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THE

# MISSIONS AND MISSIONARIES

OF

# CALIFORNIA

BY

FR. ZEPHYRIN ENGELHARDT, O. F. M.

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## VOL. IV. UPPER CALIFORNIA

### PART III. GENERAL HISTORY

With Illustrations, Tabular Reports and Fac-Similes

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ERRATA: Page 599, line 7 from top, after "Popes" insert "Pius."
Page 590, line 8 from footnote, "Hunt" should be "Hunter."
Section iii, chap. ii etc., "Kearney" should be "Kearny."

# PREFACE

This volume closes the series on the General History of the California Missions. With it the work far exceeds the limits originally proposed. When in 1892 the Very Rev. Fr. Michael Richardt, O. F. M., then Provincial of the Franciscan Province of the Sacred Heart, approved the plan for a History of the Franciscans in the United States, and directed the writer to undertake the task, it was thought that a popular narrative could be crowded into one book. The author soon realized, however, that something more than a popular description of missionary activities was urgently needed. Beginning with California, a cursory view of the situation revealed such uncommon struggles in behalf of the Indians against military usurpation and colonist cupidity, accompanied and followed by such extraordinary misrepresentations and calumnies, that only a documentary history would satisfy the critical student and intelligent reader.

Although a most laborious undertaking, and poor health a steady companion, the author determined to investigate the enormous amount of documents thoroughly and judicially in order to bring out the whole truth whatever it might prove to be. Accordingly, the character of the missionaries, their religious and moral principles, their object, methods, resources, successes and reverses were patiently examined and faithfully recorded in these volumes. Likewise, the charges against the missionaries have been probed, and the character of the men who originated, disseminated or published them, has been laid bare. Now that the clouds of misrepresentation have been lifted, the history of the twenty-one Missions in detail will be a comparatively easy matter. Two or three volumes will suffice to relate all that is of note concerning the local affairs of the missions and their missionaries.

The author had no intention of producing a learned work,

or a work of literary merit. His sole aim was to dig out the facts, arrange them in connected as well as chronological order, and present them truthfully, clearly, and briefly so that more capable minds, to whom the sources are practically inaccessible, might be enabled to clothe the rugged facts in the literary and attractive style welcomed by the general public. Poets, romancers, and playwrights will likewise discover in the unadorned facts thus stated about the Missions an almost inexhaustible fountain of inspiration. Though it will never be known what hardship and toil the collecting and reducing of the vast material involved, honest writers are welcome to avail themselves of it all in the interest of truth and justice.

It is with pleasure and deep gratitude the many kind friends are remembered who sought to encourage and assist the author in his labor. He desires to return especial thanks to the higher Superiors, who manifested such implicit confidence that they not only with much difficulty supplied the necessary means, but never even attempted to influence the writer one way or another. He was absolutely free to relate whatever the close examination of the documentary sources revealed. He also acknowledges his indebtedness to Professor Frederick J. Teggart, Curator of the Bancroft Collection at the University of California, Berkeley, Cal. Ever since Mr. H. H. Bancroft's Collection was acquired by the State of California and established at the University, the author on numerous occasions has availed himself of this rich mine of information, and always experienced the same most courteous and accommodating treatment at the hands of the genial Curator and his assistant, Mr. Herbert I. Priestley. Thanks are also due to the Rev. J. J. Cantwell and the gentlemen in the Archbishop's *Curia*, San Francisco; to the Rev. Francis J. Conaty, Chancellor, Los Angeles Diocese; to Rev. William Hughes, Lecturer of the Catholic Indian Bureau, Washington, D. C.; to Hon. Grant Jackson, Judge of the Superior Court, Los Angeles; to the Rev. Fr. Theodore Arentz, O. F. M., Santa Barbara, for personal researches into the administrations of Bishop García Diego and Fr. González Rúbio; and to Brother Michael Lamm, O. F. M., for reading a large part of the proofs.

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# SECTION I

## FR. NARCISO DURÁN

(1836--1840)

## COMISARIO-PREFECTO

## CHAPTER I.

Change in the Territorial Government.—A New Constitution.—Chico Opens the Assembly.—Law of November 7th, 1835.—Attitude of the Friars.—"Dos Palabritas."—The Jesuits in Canada, Lower California, and Paraguay.—Majority of the Californians Opposed to Confiscation.—Foreign Settlers Opposed to It.—Missionaries Slandered.—Action of Fathers Moreno and Durán.—Who Is to Blame for the Ruin?—Chico and the Indians.—Neophytes Contented Under the Friars.—Pico's Confession.

AS stated in the preceding volume,[1] Governor José Figueroa on his deathbed, September 22nd, 1835, resigned his office, and in accordance with the national law of May 6th, 1822, designated the senior member of the legislative assembly, José Castro, temporary civil governor. At the same time, he directed Lieutenant-Colonel Nicolás Gutiérrez, the ranking officer in California, to assume the position of military commander of the territory. On January 2nd, 1836, however, an order arrived from the Supreme Government in Mexico declaring that the two offices must be held by the same person. Castro immediately surrendered the civil governorship to Gutiérrez, who thereupon ruled as temporary governor until Colonel Mariano Chico, the regular appointee, having landed at Santa Barbara from the *Leonor,* arrived at Monterey May 1st, and took the oath on May 3rd. Chico, at the time of his appointment, December 16th, 1835, was a member of Congress from the State of Guanajuato.[2]

Meanwhile, another political upheaval had taken place in Mexico. The Constitution of 1824 was abolished, and on October 23rd, 1835, Congress substituted another Constitution which was called *Bases y Leyes Constitucionales,* or *Bases Orgánicas.* Under this arrangement the several States be-

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[1] Pages 597-598.

[2] Gutiérrez to the Ayuntamiento of San José, October 8th, 1835. "Cal. Arch.," Dept. St. Pap., San José v, 1-2; Bancroft, "California," iii, 298, 416, 420-421; Hittell, "California," ii, 215-218.

came so many departments of the Central Government. The two Californias constituted one department.[3]

May 20th, about three weeks after his arrival, Chico issued an extravagantly worded proclamation in which he denounced the former Federation of States and lauded Centralism. "The Constitution of 1824, the child of inexperience and haste," said he, "was a miscarriage of blunders fruitful of disorders which you endured for eleven years. It was your idol while suitable; but the oracle once proven false, and your forbearance wearied, you decided with your brethren of the interior [4] to melt that false idol, though respecting still its relics until the substitution of the new image which is being prepared to serve you as a deity, etc." [5]

What in this episode highly interests us is the peculiar circumstance that a Mexican Government had decreed the expulsion of the missionaries, notably of Fathers Sarria and Durán, for no other reason than that said friars refused to adore said idol, i. e., swear allegiance to said Federal Constitution. Hittell, it will be remembered, from this took occasion to emit some anti-Catholic venom, in that he endeavored to show that the Catholic Church in general, and the Franciscan friars in particular, were hostile to a republican form of government!! Now another Mexican Government practically vindicates the same friars by abolishing that very Constitution.

The governor immediately took steps to have the military and the colonists swear to the new Bases Orgánicas. Amid great rejoicings, the firing of guns, ringing of bells and shouting, the oath was taken at San Diego on May 29th, 1836. Similar ceremonies seem to have inaugurated the new system

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[3] Alamán, "Méjico," v, 869; Bancroft, "Mexico," v, 144-145.

[4] Mexico.

[5] "Cal. Arch.," Dept. St. Pap., Angeles x, 52-59; Bancroft, iii, 422. From this heathen jargon we may infer the kind of religion that guided the new governor, and this, too, explains his open disregard of the moral law. Though he had a wife and child in Mexico, he brought along a mistress. Hartnell calls him "loco y impudico." See Bancroft, iii, 427, and Hittell, ii, 223.

of government everywhere, apparently without any opposition. At San Gabriel the swearing of allegiance to the Constitution took place on June 1st. At Santa Barbara Chico himself, on June 11th, administered the oath, and likewise on June 19th at Los Angeles where he made a speech on the beauties of centralism.[6]

On May 25th, 1836, elections were held for the legislative assembly. Those chosen were Rafael Gómez, David Spence, Manuel Crespo, and Joaquín Gómez. The holdovers were José Castro, J. B. Alvarado, and José A. de la Guerra. These seven diputados, accordingly, constituted the legislature of California. On the same date Rafael González and Santiágo Estráda were elected substitutes.[7]

The legislators assembled at Monterey on May 27th, 1836, and the governor opened the sessions with a remarkable address. After touching various subjects, he dwelt at some length on the Missions. On this point he confessed to be at a loss to know how to proceed, and expressed the hope that the members of the territorial assembly would assist him in extricating himself from the labyrinth of difficulties. From the moment, said he, that the so-called colonists had come from Mexico with their new-fangled notions of secularization, now partially carried out by incompetent men, the period of decadence had commenced. Some of the missionaries had hastened the decay by their indiscriminate slaughter of cattle, the destruction of the vineyards, and by the abandonment of everything calculated to preserve and sustain public progress.[8] The result was the wretched state of things on every side. In fact, everything was confusion, and the decree of November 7th, 1835, only added to the difficulties, because being a measure of the Supreme Government it must be executed.[9]

Chico's reference to the law of November 7th necessitates

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[6] Bancroft, iii, 423.

[7] "Cal. Arch.," Leg. Rec. iii, 28-29.

[8] These charges against the friars have been refuted in the preceding volume, Appendix K.

[9] "Cal. Arch.," Dept. St. Pap., Angeles x, 60-65; Monterey, iii, 158-160.

some explanation. The men whom the political changes at that time had brought to the surface, or who had manipulated the upheaval, for reasons of their own, possibly from a sense of justice too, showed themselves less unfriendly to Religion and its missions than most of the preceding administrations. Moreover, reports had reached the Mexican Congress about the destruction wrought by Figueroa's act of confiscation, which resulted in the demoralization of the Indians, the abjection of the ministers of Religion, the continual desertion of the neophytes, the paralyzation of further conversions among the gentiles, the distress of the missionaries by reason of the little hope they had of continuing Divine Worship in the unhappy territory; for, inasmuch as the property of the missions would soon be wasted, nothing would remain with which to support the priests, nor anything with which to cover the urgent expenses of the churches which had to depend entirely on the income from the missions, because there were no other resources; for never had it been customary among the colonists to contribute anything, nor was there anything donated then for the administration of the Sacraments.[10] These and other reports and considerations had induced the Mexican Congress on November 7th, 1835, to pass the following decree: *"Until the curates mentioned in Article 2 of the Law of August 17th, 1833, shall have taken possession, the government will suspend the execution of the other Articles, and will maintain things in the state in which they were when the said law was made."* [11]

Practically, this law repealed the secularization decree passed by a previous Mexican Congress on August 17th, 1833. It "virtually nullified" [12] Figueroa's confiscation measure of August 9th, 1834,[13] reinstated the missionaries and

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[10] "Defensa," in "Diário del Gobierno," Mexico, 1836. "Sta. Barb. Arch." See also preceding volume, Appendix K, near the end.

[11] See vol. iii, p. 518; "Halleck's Report," in Messages and Correspondence, Washington, 1850, Appendix No. 16, p. 154; Dwinelle "Addenda" no. xxviii, p. 43; Bancroft, iii, 355, iv. 44.

[12] Bancroft, iv, 44.

[13] See preceding volume, 523-530.

removed the hired comisionados. It would seem, therefore, that, if the late governor and his young California mentors had but awaited the approval of the Mexican Government before publishing their wicked plan as the law of the territory, the confiscation of the missions might never have been accomplished. *It is not the Mexican Government,* then, as popularly supposed, which is to blame for the ruin of the Indian missions and asylums of peace; the disgrace rests upon Figueroa and the *hijos del pais,* upon the Picos, the Bandinis, the Vallejos, the Alvarados, and similar covetous partisans, most probably upon these paisano chiefs alone, for there is scarcely a doubt that Figueroa did but their bidding through fear.

Possibly, if in the interest of their wards the missionaries had firmly resisted the execution of the act of confiscation; and if they had demanded that the decision of the Supreme Government be awaited, a stay of proceedings might have resulted; but that would have furnished the schemers with the very argument they desired in order to show that the friars refused to surrender the management of the mission property for the sake of remaining in power and enriching themselves, a charge which they circulated nevertheless, before and after. The Fathers would then have been accused of maladministration which must be stopped for the sake of the neophytes. Even as it was, though faintly, that accusation was launched against the unselfish and scrupulous friars. What if they had resisted? Thus the missionaries stood between two alternatives. Either they must shoulder the odium of selfishness, or submit to the unjust confiscation of the property of their wards but with their names unstained, inasmuch as the Mexican Government was too distant to appeal to, even if till then it had not as a rule manifested unfriendliness to the friars. The missionaries chose the latter course, but now incurred the reproach that they lacked interest in the welfare of the neophytes. This was brought home to them in a communication signed by "Four Natives," as they called

themselves. The document is headed *"Two Short Words to the Rev. Missionary Fathers,"* [14] and reads as follows:

"Fear of absolutism [15] and the lack of a free press oblige us to have recourse to anonymous writing. Nevertheless, inasmuch as we restrict ourselves to serious reflections only and to the presentation of reasons of the highest importance, we hope that the Rev. Missionary Fathers will lend us their attention for a few moments.

"Through a principle of order and of justice, it has been agreed in society that those things which are intrusted to a person cannot be taken from his keeping except by the same person that confided them, or by another authority lawfully established and acting in accordance with a written law. Wherever this principle is disregarded, good order is overturned, the social ties are loosened, and the political system is disorganized. In virtue of this we enter upon the subject.

"The eternal Distributer of things and the Government have confided to the Missionary Fathers the missions, by which we understand persons and their interests. It is clear, therefore, if the aforesaid principle be admitted, that without a written law, without a decisive disposition of the General Government, the missions could not have been taken away from the missionaries to whom they had been confided. It is also evident that the territorial government has wrested the property of the missions from the Missionary Fathers without express authority from the General Government. Hence the territorial government by abusing its power has usurped the prerogatives of the Supreme Authorities, and has assaulted one of the fundamental principles of society.

"When the Missionary Fathers took charge of the missions they contracted the sacred obligation of watching and conserving the sacred trust confided to them with regard to each person and everything in the missions. This precious trust could not be taken from their hands except by the same

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[14] "Dos Palabritas á los RR. Padres Misioneros."

[15] Absolutism, if not despotism, was really the form of government in California from the time that Echeandía entered the territory. No court of appeals for Indians or missionaries.

one that confided it, or by one authorized in express terms, to do so, as we have stated before. We do not propose to investigate here the proprietary right to the property of the missions; we only point out the way in which this property should have been taken from the missionaries at their secularization. Hence, in surrendering what had been confided to them to the first one that demanded it without any authority whatever, the Missionary Fathers have failed in their duty; and consequently they are responsible before God and before men for all the evils that necessarily follow for not having offered some resistance, even though it had been but feeble, along with a little memorial setting forth these principles of eternal truth. By employing the word resistance, it must not be supposed that we speak of force, which is so foreign to the sweet character of an apostolic missionary: we only speak of that energetic resistance which they could have made with dignity by upholding the rights of those entrusted to them. The Missionary Fathers must know to which point they could carry their opposition for the purpose of preserving their sacred trust without compromising their ministry, therefore we refrain from determining it.

"We shall never be able to believe that the Rev. Missionary Fathers can look with indifference upon so many evils which are occasioned by their culpable compliance in that they have delivered their sacred trust to the first authority which in defiance of all rights[16] wanted to take it. Buildings falling to ruin, other property being destroyed, the male Indians misled and scattered and the young women prostituting themselves,[17] this forms a terrifying picture which is enough to distress the coldest and most indifferent man; yet such is the sight

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[16] "que quizo tomarlo contra todo derecho."

[17] The asylum for the girls and single women, called monjério, was the first institution in the missionary system which Figueroa and his young California clique peremptorily abolished. This was the result.

which most of the missions called pueblos offer at the present day.[18]

"We indeed sympathize with the unhappy Missionary Fathers, who perhaps through error thought it their duty to submit without opposition to the authority of the territory. Yes, we pity them; for stern conscience clamoring strongly in the most hidden recesses of the heart will doubtless be saying to them: 'Dost thou see those orphans without bread, those prostitute young women, those homeless men, and the ruined property? Well, that is the trust which was confided to thee. Weak mortal, how many evils hast thou caused? Be horrified, if thou canst, at beholding the picture which thy criminal deference has helped to draw by surrendering to a man, who had no authority,[19] the trust confided to thee!![20]

"If the arguments which we have presented have any weight with the Rev. Missionary Fathers, we hope they will repent of the evils which, with the best of intentions perhaps, they have brought upon the unfortunate California neophytes. For those, who have not as yet surrendered their trust,[21] we shall

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[18] "Las fincas arruinandose, los bienes destruyendose, los hombres extraviados, y las jovenes prostituyendose—forman un cuadro aterrado y capaz de contristar al hombre mas frio é indiferente; tal es el que hoy presentan las mas de las Misiones que se llaman pueblos." Yet we find writers at this late date who claim that "secularization" was justified. From the standpoint of cupidity, yes.

[19] Figueroa in this matter, indeed, acted without authority. He never received the approbation of the Supreme Government for his iniquitous measure, rather it was repealed along with the decree of August 17th, 1833, as already pointed out.

[20] "Ves aquellos huerfanos sin pan, aquellas jovenes prostituidas, aquellos hombres extraviados, y aquellos bienes destruidos? Pues, ese es el deposito que se te confió. Debil mortal, cuantos males has causado! Horrorizate, si puedes, á la vista del cuadro, que contribuyó á formar tu criminal deferencia entregando el deposito, que se te habia confiado, á un hombre sin mision!!" This would be a frightful indictment for a missionary to bear if it applied. It was applicable to the perpetrators of the confiscation.

[21] This remark proves that the undated and anonymous document must have been written before July 1836. Up to that period five missions still remained unconfiscated, as will appear presently.

implore Heaven to grant them the necessary energy to stand firm in the defense of the rights of their wards whenever an attempt is made to violate them without authority.

"Sacred spirits of the fearless Las Casas, of the Lambervilles, the Daniels, the Brebeufs, and the Cataldinos![22] From the heavenly home which you inhabit drop upon your apostolic successors a spark of that valor with which you knew how to uphold, here on earth, the rights of your neophytes! *Cuatro Indígenas.*"[23]

The reference of the *Cuatro Indígenas* to foreign missionaries hardly applies. Las Casas, unlike the Franciscans in California during the Mexican misrule, had the support of the royal government of Spain; yet even so he was far from successful in his efforts to prevent all wrongs and cruelties against the Indians. With regard to the heroic Jesuits in Paraguay, we know that they quietly submitted to their expulsion, as did the no less devoted Jesuits of Lower California,[24] though both missionary bands foresaw that the missions and reductions would be ruined in consequence. There was nothing else to be done in the face of brute force which the Picos and Vallejos, without any qualms of conscience, would just as well have employed against the defenseless Franciscans, as we have seen in the case of Fr. Luis Martínez;[25] for, although the friars did not resist being removed from the administration of the missions, the paisano chiefs, nevertheless, brutally slandered their victims in order to persuade the world that the illegal act of confiscation was fully justified.

In the case of the Canadian Jesuits the situation was altogether different. Had the positions been reversed, we should have seen the Jesuits submitting just as the Franciscans sub-

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[22] The two Fathers Lamberville, Father Daniel, and Father Brebeuf were Jesuit missionaries in Canada. See "Pioneer Priests of Canada," by Rev. F. J. Campbell, S. J. Father J. Cataldino labored in the missions of Paraguay at the beginning of the 17th century.

[23] "Four Natives."—"Santa Barbara Archives."

[24] See volume i, pt. ii, chap. xvi, this work.

[25] See preceding volume, pp. 280-307.

mitted; and we should have found the Franciscans allowing themselves to be butchered, just as did the Jesuits, in the hope of accomplishing the conversion of the savages. Indeed, the hope of martyrdom had lured not a few friars from Spain to California, and some of them were gratified.[26]

Nor did the friars, from Fr. Junípero Serra to Fr. Narciso Durán, fail to stand up boldly for the rights of the neophytes against military usurpation, as the preceding volumes prove abundantly. The *Cuatro Indígenas* evidently stood outside the territorial government ring, otherwise they must have known of Fr. Durán's brilliant protests and his exposure of paisano machinations.[27]

The *Dos Palabritas* of the *Cuatro Indígenas* with their frightful, though happily unjust, reproaches must have affected the hearts of the oppressed missionaries far more keenly than all the cruel calumnies of Mariano Vallejo and other mission despoilers. We indeed wish that, in each case of a forced transfer of a mission to a hireling comisionado, the friars had vigorously protested; yet we confess ourselves unable to determine what other course than the one adopted by the venerable old missionaries would have been better under the circumstances, or could have changed the animosity of shallow closet historians and unthinking magazine writers. The hopelessness of any action probably decided the matter, and so the gentle friars with a heavy heart allowed things to proceed as the freebooters dictated. Nearly all the missionaries, at least the Fernandinos, were too old and feeble to interpose any opposition which they clearly saw would be to no purpose anyhow; for without doubt they would have been ejected forcibly. With such as the clique in power the priestly character would have made no difference; rather, as is the case with unscrupulous politicians generally, it would have been an incentive for the covetous paisano chiefs to show to an admiring rabble that they had emancipated themselves from every kind of priestly influence and religious "superstition." They, nevertheless, insisted on being regarded as Cath-

[26] See volume ii, this work, section i, capp. x and xxi.

[27] See preceding volume, sect. ii, capp. v, vi, viii, xi.

olics, though on what grounds is a mystery. That we do not judge them unfairly the sequel will demonstrate clearly enough. The venerable old missionaries, therefore, made the most of the situation, and meanwhile concentrated all their thoughts on death which they saw fast approaching, and which they welcomed as a relief from an intolerable condition, because it would secure them the desired celestial recognition for fidelity in the service of the Creator. Before that day approached, however, many an energetic protest was made by the fearless and mentally still vigorous Superior of the Missions, Fr. Narciso Durán, against the encroachments and robberies of the Pico gang. These documents will serve as convincing evidence that, as in the past, so to the very end, the missionaries were anything but indifferent to the rights of the Indians.

The *Dos Palabritas,* in connection with Mariano Vallejo's own confession,[28] may be regarded as good evidence that, outside the circle of paisanos eager to profit by the removal of the friars, there existed a large number of native Californians who cordially disapproved the high-handed proceedings of Figueroa and the half dozen territorial legislators lording it over the luckless territory. The American and English merchants and others, who had made California their home, as might be expected from their innate sense of fairness, were almost to a man opposed to the confiscation of the missions effected under the misleading term "secularization." As for the Indians, the real victims of the spoliation scheme, we know they were not consulted, and the illegal decree setting them adrift and scattering their property went into effect without their consent. Echeandía and his henchmen had tried hard to induce the neophytes to withdraw voluntarily from the guidance of the missionaries, and to accept "freedom"; but neither he nor Figueroa after him could shake the loyalty of the majority of the Indians, a fact which speaks volumes against the charges of cruelty and slavery circulated by the Picos, Vallejos, Bandinis, Valles, etc., about the devoted friars

[28] See volume iii, pp. 370-371.

in order to conjure up some excuse for appropriating the property of the neophytes. The missions, but for the avarice of the paisano chiefs and abettors, might therefore have exercised their benevolent influence indefinitely, though the area of land required would have lessened as the Indians decreased in number, or took holdings apart from the community whenever capable. A different story, however, has now to be related.

Before proceeding we must record the steps taken by two of the friars, Fr. Rafael Moreno, the presidente and vice-prefecto of the Zacatecan Franciscans in the north, and Fr. Durán, the comisario-prefecto of the Fernandinos in the south, for the purpose of saving the missions from utter ruin. The Supreme Government of Mexico, as will be remembered, had on November 7th, 1835, decreed that the missions must be kept in the same condition as before the law of secularization passed by the Mexican Congress on August 17th, 1833. This, practically, repealed all that Figueroa and the paisano faction had enacted against the missions, and restored them to the care of the missionaries. Governor Chico himself had made known the provisions of the new law to the Junta Departamental, as the legislative assembly under the new Constitution was called, on May 27th, 1836. Though unwilling to take up the burden again, the Fathers had no doubt that the law of the Supreme Government would be executed by the territorial government. Fr. Moreno, accordingly, after waiting a whole year, on May 7th, 1837, addressed a circular to his friars asking them for charity's sake to make the sacrifice, and again to take charge of the temporalities in order to save the missions which under the comisionados and mayordomos were hastening to sure destruction.[29] At the same time he directed the friars to keep from their persons, dwellings, furniture, table and from whatever stood at their service anything that

[29] "Que en obséquio de la caridad hagan el sacrificio de tomar á su cargo las temporalidades, para obviar la destruccion y ruina proxima de las misiones por el mal manejo de los mayordomos y comisionados."

might dishonor the poor and humble state which they had chosen and vowed.[30]

Fr. Durán, hoping to see the law of November 7th, 1835, obeyed, and the missions returned to the Fathers, waited three months longer; but when by July 24th, 1837, no action had been taken, he respectfully called the attention of the legislators to said decree. It seems that his communication was ignored. At all events, Fr. Durán on August 3rd, 1837, again addressed himself to the Junta Departamental. "On July 24th," he wrote, "I had the honor of presenting to Your Honors a brief petition for compliance with the Law of November 7th, 1835, and with the Constitution which we have sworn,[31] which so much favor the interests of the neophytes. I have heard that the Junta Departamental has resolved to treat other matters first, but I cannot understand that anything can be more important than an enforcement of the laws, or why thousands of Indians should suffer to please interested persons." [32]

As may be supposed, the request for the execution of the will of the Supreme Government of Mexico highly embarrassed Alvarado and his three legislators who then constituted the territorial government. Practically it was a demand for the restitution of stolen property, always a most disagreeable transaction for guilty possessors of ill-gotten goods, especially when much of the property has already been squandered or alienated. It, moreover, meant reducing friends now in opulent positions to the state of former semi-starvation superinduced by inveterate indolence, gambling, or other vices. Hence the four law-makers of Monterey played for time in the hope that some change in Mexico might make this restoration of the missions to the missionaries and Indians un-

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[30] "Libro de Patentes" of the northern missions.

[31] Fr. Durán and the other Fathers had at last sworn allegiance to Mexico; but more of this later on.

[32] "Archbishop's Archives," no. 2217.

necessary.[33] At all events, no action was taken. Owing to the turbulent state of affairs in Mexico, the Supreme Government was not in a condition to enforce its decree, and so we hear no more about it. One thing, therefore, is clear, and we must emphasize it again: the ruin of the missions cannot be attributed to the Government of Mexico. Those to blame were Californians, *hijos del pais,* as they were fond of styling themselves.

Not only was the decree of the Supreme Government not obeyed by the very men who had prated so much about obedience to the laws when they looked for pretexts to oust Governor Victoria, but the provisions of Figueroa's iniquitous reglamento, i. e., confiscation, were soon extended to the five missionary establishments still in charge of the missionaries, as we shall see in the next chapter, notwithstanding that the results in the already confiscated missions had proved disastrous. The inhabitants of San Diego, for instance, remonstrated with Governor Gutiérrez, and recounted the evils which the decree of secularization had brought upon that district. In reply Gutiérrez on April 23rd, 1836, wrote to the alcalde of Los Angeles: "This government is in receipt of the despatch of the 14th instant, which you transmitted by courier, enclosing the resolution of the town council of San Diego, and the remonstrance which the same municipality made to Don Juan Bandini on March 22nd, along with other gentlemen, natives as well as foreigners, inhabitants of that port, in which they complained of the incursions which in that part of the country the Indians are making by stealing horses. They lament the decay which the missions have undergone owing to the law and the subsequent reglamento for their secularization, the decline of agriculture at the missions, and the conse-

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[33] "Digase que se buscan pretextos para eludir la Ley del 7 de Noviembre. Digase que se resisten á entregar los bienes misionales algunos de los, que los tienen, por que saben que si no los conservan van á padecer las hambres y necesidades, que antes sufrian por no trabajar y por pasar sus vidas en la holgazaneria, como es notorio, por su ninguna aplicacion al trabajo."—"Defensa de los Padres" in "Diário del Gobierno," Mexico 1836. "Sta. Barb. Arch."

quent damage to the commerce of the territory. They close by appealing to the military on account of the privations which they suffer, and propose as a remedy the creation of a junta or assembly general, composed of military men, the clergy and the town councils, in order to deliberate how to improve the internal and external affairs of the country, how to check the robberies of the Indians, how to foster agriculture, commerce, etc." [34]

Meanwhile Chico appeared. He endeavored to stem the downward course of the once flourishing missions. On May 25th, 1836, he began by issuing an edict intended to prevent the frequent desertions of the neophyte Indians. Every Indian found away from his habitation without license from the alcalde, administrator or missionary, was to be arrested and sentenced to labor on the public works.[35] This was a rather strange proceeding against people who before the confiscation of their mission property had been told that under the new dispensation they should be as free as the white people.

The discontent of the mission Indians deprived of their fatherly guides was not confined to a few localities; it prevailed throughout California. Chico's decree, therefore, had the effect of increasing the number of malcontents and of forcing them to join the raiders in the mountains. This result of vilification of the missionaries and the bad effects of "secularization" had been predicted by all close observers; but greed had refused to take sane advice. Under the management of the friars the neophytes lived satisfied; and, but for the machinations of Echeandía, Padrés, the Picos, Bandinis, Vallejos, etc., would have formed a most happy family with no desire for any change that involved the loss of the solicitous care of their beloved "pádres." In their sober moments, and among themselves, the paisano chiefs must have acknowledged as much. For instance, one of the bitterest enemies of the devoted missionaries, Pio Pico, writing at this period to

[34] Gutiérrez sobre Representacion de algunos vecinos de San Diego. "Cal. Arch.," Dep. St. Pap., Angeles xi, 293-296.

[35] "Cal. Arch." Dep. St. Pap., San José iv, 463; Dep. St. Pap., Angeles ii, 248-249.

Mariano Vallejo, confesses: "So many rumors of war, so many fantastical stories, have produced their effect; for *the Indians, who were formerly so satisfied with their lot, and who labored with such pleasure, have become bad.* Instead of taking care of the cows, they kill them, and sell the hides and the tallow." [36]

The remedy for this state of disorder lay within the reach of the very men who now complained, but who by their example and their slanders had introduced the spirit of turbulence among the neophytes. The one thing to do was to obey the Mexican law of November 7th, 1835, which ordered the missions to be restored to the care of the missionaries. Having thus made partial amends, it was incumbent upon the paisano leaders to cease calumniating the friars and, instead, to second their efforts for the complete Christianization and the civilization of the Indians. This required time, but the twofold object would be accomplished in the end.

Pico himself on the same occasion shows what would have been the result of letting the missionaries alone. "Our missions at present are thriving. The missionaries [37] are gathering an abundance of cotton, olives, wheat, beans and wine: sufficient for home consumption, and the surplus they exchange with the skippers for merchandise or for money. . . If there were union among all Californians,[38] very soon this country would present a most attractive aspect. In place of deserving pity, we should be the most envied of all the inhabitants of the States that compose the Confederation of the Mexican Republic." [39]

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[36] "La Indiáda, que antes era tan satisfecha de su suerte, y que trabajaba con tanto gusto, se ha vuelto mala; y en vez de cuidar las vacas, las matan y venden el cuero y el sebo." Pico to Vallejo, April 16th, 1836. Vallejo, "Documentos," iii, 192.

[37] A number of missions had not yet been confiscated, and in some others it appears the administrators had allowed the Fathers to wind up affairs slowly; but before another year had passed by all the missions were in hired hands, and then the ruin set in quickly.

[38] The chief disturber here blames his partisans!

[39] Pico to Vallejo, April 16th, 1836. Vallejo, "Documentos," iii, 192.

## CHAPTER II.

Governor Chico Complains to Fr. Durán.—His Hypothetical Question.—Fr. Durán's Candid Reply.—Neophytes' Right to Their Property.—Inviolable as That of Private Individuals.—Decision of Minister Espinosa.—Insolent Officials.—Chico's Spite.—"Secularizes" Santa Inés and San Buenaventura.—Action of the Assembly.—Spence's Report.—First Lynching in California.—Queer Story.—Chico at Los Angeles.—Wants Fr. Durán Banished.—Santa Barbara in Revolt.—Chico Himself Exiled.—Spiteful to the Last.

GOVERNOR MARIANO CHICO early made himself cordially despised and hated by all classes of inhabitants. Only a few days after his arrival at Monterey, though in accordance with the sentiments of the Mexican Government which, on account of the Texan complications in 1835-1836,[1] entertained no friendly feelings toward the Anglo-Americans, at least, he on May 6th, 1836, issued an order against all foreigners. Every alien was required to present himself before an alcalde within ten days, and to justify his presence in the country under penalty of being fined twenty-five dollars or eight days in irons on the public works.[2] He followed this up on May 11th, 1836, with a printed proclamation prohibiting trade with foreign vessels in any roadstead or harbor of California except Monterey Bay, and ordering every foreign ship to land its cargo there.[3]

In the month of June, while the territorial assembly continued its deliberations at Monterey, Chico found it necessary to start for the south. By this time, his scandalous relations with a Doña Cruz, whom he had introduced as his niece, and

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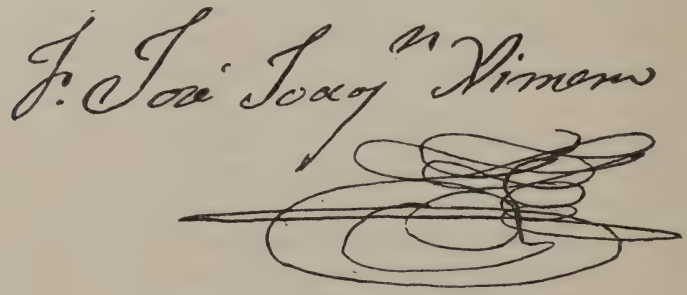
[1] Texan settlers, mostly Americans, rebelled, and on March 2nd, 1836, declared the territory independent of Mexico. The massacre of the Álamo took place on March 6th.

[2] "Cal. Arch.," Dep. St. Pap., San José iv, 456-457.

[3] "Cal. Arch.," Dep. St. Pap., Monterey iii, 157.

his violently crazy [4] conduct when in a passion, which happened frequently, had already aroused the animosity of the Californians; but his actions in the south, notably his controversy with the venerable and popular Fr. Narciso Durán, alienated whatever share he had in the patriotic good will of even the staid and conservative Santa Barbara, as Bancroft observes.[5]

On his way to Los Angeles, Chico, at noon on June 10th, unexpectedly arrived at Mission Santa Inés, one of the still unconfiscated establishments. Besides Fr. Victoria and Fr. J. J. Jimeno, Fr. Antonio Jimeno of Santa Barbara happened to be there. All three Fathers hurried out to welcome the governor. One opened the door to his carriage, another offered his hand, while Fr. José Jimeno expressed his regret that ignorance of the time of arrival prevented a more ceremonial reception, though the mission bells had been hurriedly set a-ringing. Chico was invited to dinner, but declined, re-



Signature of Fr. José Joaquín Jimeno.

entered his carriage and drove towards Santa Barbara.[6] From the Ortega Rancho he, on the next day, notified Fr. Presidente Durán that he had announced himself at Santa Inés by

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[4] "It would, perhaps, have been difficult to select a more unfit person" for governor. Hittell, ii, 217.

[5] Bancroft, iii, 433.

[6] To his stopping-place the Fathers sent a fine repast which Chico churlishly refused by saying: "Take that meal back to those friars, for I want nothing from them."

means of a cowboy,[7] and that he therefore was surprised when Fr. José Jimeno came out to meet him with the remark that no facilities could be afforded because his coming had not been known; that, though Fr. Victoria was courteous, the Jimeno Brothers had shown such disdain for him that he had to leave immediately. "Whatever the motives of the Rev. Jimeno Fathers," Chico closed his complaint, "I desire, nevertheless, that Your Reverence be pleased to tell me in reply whether the government might count upon the missions not yet secularized for needed supplies and animals, because the missions are obliged to do so, or whether they will comply merely out of policy and condescension." [8]

When on the same day Chico arrived at Santa Barbara, he received a visit from Fr. Durán. "The Fr. Prefecto," as the governor under date of June 20th reported to the General Government, "endeavored to excuse his brethren by alleging their inexperience in matters of etiquette." [9] Four days later, June 15th, Fr. Durán replied in writing to the question which Chico had propounded with regard to the obligation of the missions to furnish supplies. The document is long, but deserves to be reproduced.

"In this paper," the Fr. Prefecto wrote, "I shall not dwell upon what has occurred at Santa Inés, because we have discussed it sufficiently in a verbal explanation, and I hope to say more about it when Your Honor returns.[10] After all, those Fathers are my brethren, and I cannot but insist on acting as a peacemaker until a complete pardon has been ob-

[7] Chico should have sent a more trusty messenger than a roving cowboy. There was no certainty that his message would be delivered, and doubtless it was not delivered. It would seem that the governor himself showed poor manners, as well as little wisdom. If he wanted an official reception, an official notice in the usual official manner was in order.

[8] "Cal. Arch.," St. Pap., Missions & Colon. ii, 629-632.

[9] "Cal. Arch.," St. Pap., Missions & Colon. ii, 633-634.

[10] Fr. Durán very properly wanted to learn what the Fathers had to say for themselves. Their explanation has already been given; it was corroborated by the sister-in-law of both Fathers, who had been a witness to what occurred. Bancroft, iii, 434.

tained from Your Honor in favor of these poor Religious, whose offense, I believe, could have been no more than surprise and oversight. I hope that you will hold the same opinion when you know them better.[11]

"Passing on to the main subject of this letter, I beg leave to say that I shall always conform myself in practice to your opinion, whatever I may think to the contrary.[12] In order to proceed with all the clearness which the subject demands, let us distinguish the past acts, with which the government [13] has always been served, from the right to claim in duty and justice that the missions not secularized [14] should render assistance. The *government may count upon receiving the supplies for which necessity prompts it to ask, and which the missions can furnish,* as they have been furnished for the last twenty-six years. From 1810 to the present year, for which there is good evidence, the government owes the missions $1,000,000 on account of supplies delivered to the troops during twenty-five years, as the books which must exist at the missions and the presidio offices prove.

"The whole difficulty lies in this, and I believe this is what Your Honor wishes to know from me, whether this aid had to be furnished in strict justice or only through necessity, civility, or kindness. Did I not see myself officially interrogated by the public authority of Your Honor, I would never officially express my opinion on this matter [15] which, although

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[11] We shall see that Chico, instead, allowed his rancor full sway.

[12] There is much more of this obsequiousness which it is not necessary to repeat. The government officials certainly never had just reason to complain of incivility on the part of Fr. Durán or any other friar. The friars never forgot that they were religious, hence gentlemen, even though civil and military officials conducted themselves like boors or hoodlums. The reader will have observed as much throughout this work. The friars respected the office, even though the incumbent, as in the case of Chico, led a scandalous life.

[13] that is to say, the governor of California.

[14] San Buenaventura, Santa Inés, San Miguel, Santa Clara, San José.

[15] We are thankful to Chico for occasioning this precious document, which it will be well for the latest writers on the subject to

it seems to me sufficiently clear and certain, I at the same time regard as delicate. It seems to me that the whole discussion turns on the right which the government has or may have over the property of the missions; for, if it has such right, the supplies must be furnished on the title of justice; but, if it has no such right, then the supplies must be furnished on title of public necessity, *just as they are furnished by the rest of the citizens.*

"Now, regarding the question of right, I candidly confess that I do not understand what clearer title the government has over our property for turning it into supplies than over the property of private citizens. Why has not the government the right to dispose of the property of private citizens and to help itself to this? Because this property is claimed by proprietors and owners who are known. The same can and must be said, it seems to me, of the property of the missions. *These are the lawful property of the neophytes, who have created them with their own hands under the guidance of the missionaries,* aided with the earnings, stipends, and donations received by said friars, as is clear from the account books of all the missions, in which may be seen plainly that the stipends of the missionaries, whilst they were paid to them, formed one single mass with the revenues and funds of the missions, so much so that, without the guidance of the missionaries and without their stipends, the missions would never have raised their heads. The government [16] has never done more in favor of the missions than protect them as it

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study so that they may know what they are talking about. The missions belonged neither to the government nor to the Catholic Church. The latter never claimed anything more than what Spanish laws accorded: the church buildings, the priest's dwelling, surrounding gardens and vineyards,—all shallow and hostile scribblers to the contrary notwithstanding. Fr. Durán felt that his answer would put an end to further missionary control. That he replied frankly, nevertheless, demonstrates how disinterested he and all the friars were.

[16] of either Mexico or California. This was strictly true. The italics are ours.

protects the private individuals.[17] Whence, then, can come to it the title or right to dispose of them, turn them over, or help itself in strict justice to said property more than to private property? I do not know, nor do I understand it, and hence I cannot see why the missions should have a greater obligation to furnish supplies and serve the government than other private subjects. These communities of neophytes are the true owners and proprietors of what belongs to them respectively; for it is a plain truth, and rests on natural law, that each one should be the owner of what he has acquired and obtained by his industry and labor, be he a private person, or be it a community or moral body, for this is nothing more than a circumstance extrinsic to the essence of dominion and ownership.

"It is true that the Government has recompensed the missionaries as tutors of these neophyte communities,[18] and reserved to itself only a very superficial inspection for governmental information, in order to keep aware of their progress in spiritual and temporal matters; but this guardianship was not like that of the common law which, extending over existing property, the Government can regulate at its discretion, though it must not violate the property of the minor in the least. With regard to the guardianship of these missions, however, the Government could not dictate anything more than general rules of order and uniformity. It had to leave the whole domestic administration to the prudence and action of the missionaries and of their prelates, because this guardianship was over property and persons that as yet did not exist; the former as well as the producing hands had yet to be

[17] "El gobierno nunca ha hecho mas en favor de las Misiones sino protegerlas lo mismo que á los particulares." Therefore it has no more right to dispose of them than of the property of private individuals. Chico must have been a most surprised man when he received this plain exposition of the case for which he, doubtless, had not bargained. There was no other position to assume, if he wanted to carry his point, than that of a highwayman. He assumed it, as will be seen presently.

[18] from the Pious Fund only, so not a favor of the government at all.

created by the efforts of the missionaries. From this I infer that the property and the persons in the missions are more independent of the Government than the property of other individual minors, because the former have cost the missionaries the great labor of creating it, which is not the case with regard to minors under the law.

"If, besides this circumstance, we consider in the Indians the quality of neophytes congregated and subjected to the missions, then their property and persons are still more inviolable than those of the individual citizen; for, inasmuch as they have not the enjoyment of knowledge, they must not be loaded with its burdens. According to this idea they remain neophytes. In a word, the Indians as neophytes are like the novices in religious Orders, who are not bound by the Rule until they make their profession; whence it seems that one may conclude, without doing violence to logic, that the Indians must, in justice, be exempt, as to person and property, from all civil and ecclesiastical burdens, whilst as neophytes they learn to become citizens and Christians.

"I will not here bring forward the opinion of the Hon. Figueroa (may God have forgiven him), which is known to the whole province, and that is that the Supreme Government could not in any way convert the property of the missions. With this argument he tried to defend them against the pretensions of Híjar, although with most singular inconsistency the same gentleman perpetrated such change of property [19] for the sake of unnecessary salaries,[20] and thus he burdened the property of the secularized missions of the poor Indians to the amount of $50,000 annually. What is most remarkable and incomprehensible is that the same gentleman asked for the approval of his Reglamento and regulations from the same Supreme Government to which he had denied the power and right to dispose of one single reál! However, I shall copy for you the official decision of the Supreme Government

[19] by means of his act of confiscation.

[20] as a sop to the turbulent and covetous Californians. No one can fail to see that the missions were sacrificed in order to gratify avarice.

of the year 1831, when Juan B. Martiarena, síndico for the missions at Tepíc, appealed to said Government that it cause a certain Urbáno Sánchez to pay $9000 which he owed and still owes to Mission San Luis Obispo. The answer of the Hon. Espinosa, Minister of Justice and Ecclesiastical Affairs, to said síndico, copied faithfully from the original, reads as follows:

"'Having given an account to the Most Excellent Vice-President, and presented the documentary petition, which you as síndico for the missions of Upper California addressed to him on September 23rd, that he by executive order should cause the judge of the western district to see that the Mission of San Luis Obispo be paid the $9000 which it demands from Urbáno Sánchez, the Vice-President saw fit to have you informed, as I herewith inform you, that, *inasmuch as the property of the missions has never been and must not be looked upon as the property of the public domain;*[21] and, inasmuch as the credits and liabilities concern private contracts and transactions, you should yourself apply at the proper place, for which purpose I return the documents which accompanied your petition. October 19th, 1831.—Espinosa.'[22]

"Here we clearly see not the opinion of a private individual, but the official decision of the Supreme Government, which plainly confesses that the *property of the missions of Alta California neither is nor must be regarded* as property of the public domain. This seems so clear and evident that it admits of no interpretations nor commentaries to the contrary. What opinion then can I and must I express, or any one else, concerning the property of the missions except that the Supreme Government (as it acknowledges in word and deed) has nothing to do with it, because *it is not and cannot be regarded* as public estate? Moreover, it is supposed that, as a well-known fact, no government in the world (much less one which calls itself free) must or can dispose in any way of the property that does not belong to the public estate.

[21] "que no siendo ni debiendo tenerse por bienes de la Hacienda Publica los de las Misiones."

[22] Copy of the original in the Santa Barbara Archives.

Inasmuch, then, as the property of the missions is no part of the public estate, according to the Government's own confession, we are forced to say that the government[23] entirely lacks the right to seize such property, at least, it has no more right than over the property of private individuals. If the government has not the right to seize or dispose of it, then, as an essential and necessary corollary, it must be said that the supplies which it asks and needs it can obtain in the same manner as it obtains supplies from other citizens, only on the title of urgent necessity, but not as a strict obligation of justice. Thus we have ever understood it, even before learning the official decision of the Government.

"This is my view with regard to rights which, obliged by the necessity of obeying Your Honor, I find it incumbent upon me to express in writing. I have said in the beginning, and I repeat it, that for a fact the missions have never refused what has been asked of them, especially with regard to provisions for the presidio companies, and this, too, not only at the request of the governor, but also at the request of individual commanders and even of the habilitados, who all have made demands upon us, almost imperiously threatening us with our responsibilities (which we do not have because we would never have accepted the missions with such a burden), and even with violence. All this we have borne with patience, necessity binding us to the charge,[24] since we saw ourselves compelled for many years with much grief to give away the subsistence and to increase the labor of the unhappy Indians, in order to silence the hungry mouths of the poor soldiers,[25] but obtaining no other reward for our labors than the Reglamento of August 9th, 1834, with its consequent dispositions.[26]

"From this Your Honor will be able to conclude the defi-

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[23] of California more emphatically, since the Supreme Government disclaimed the right.

[24] that is to say, the Fathers had to submit to managing temporal affairs in order to succeed in advancing the Indians spiritually.

[25] See the preceding volume for incessant demands of the soldiery.

[26] That is to say, the decree of confiscation was the reward received.

nite reply which I can give to your official question regarding the supplies upon which the government may count from the missions not yet secularized, or which, perchance, might be returned to the religious.[27] It comes to this: that, as a matter of fact, on account of public and urgent necessity, and out of condescension, the missions would give all that is possible in the same manner as heretofore; but from obligation of justice, nothing; for under such a supposition we should never have accepted the missions.[28]

"Ah, my dear Sir! Your Honor has not been here long enough to inform yourself of the wretched state of slavery to which we should subject ourselves, if the military commanders and habilitados should reach the conviction that the missions of the regular priests [29] are obliged in justice to furnish supplies, in virtue of a previous declaration of the Government and in virtue of an agreement on our part. Oh Lord Jesus! which of the missionaries would stay in the country? If formerly, though they knew that the missions furnished supplies out of pure necessity, the officials molested us in an indescribable manner for the space of twenty-six years (this being, I believe, the chief reason for the flight of some of the friars [30] and of the attempts made by others, because they could not endure the vexations and threats), what would now be the state of things if the Government permitted the notion that said officials could count on the supplies on the ground of strict justice? May God deliver us forever from such a burden! Hence Your Honor will by no means expect this of us. If, perchance, you have thought of putting into practice the law of November 7th, 1835, with this con-

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[27] Fr. Durán hints at the decree of November 7th, 1835, which restored the missions to the management of the friars, and which decree it was expected would be executed. We shall see the reply presently.

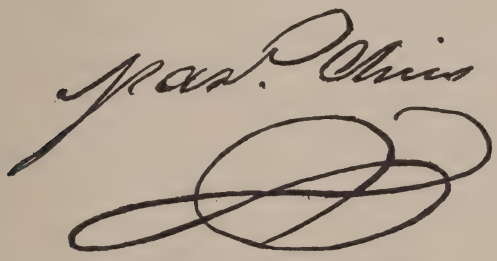
[28] Because under such conditions the Fathers would have stood in the capacity of mere overseers or stewards and storekeepers.

[29] Sacerdotes Reglares, i. e. priests of religious Orders, here, Franciscans.

[30] See preceding volume, section i, chap. xv.

dition, *you may at once abandon such a plan, and you may secularize the remaining missions,* for it is not possible to manage them under such an obligation. We know how to suffer, and we have suffered the sharpest thorns in the administration of the temporalities. They have pricked and have drawn blood for the last twenty-six years. We do not wish, nor can we continue, such a martyrdom. This is what has seemed right for me to respond concerning the supplies from the missions; when needed, all that is possible; from obligation in justice, nothing.[31] Santa Barbara, June 15th, 1836. Fr. Narciso Durán." [32]

Unfortunately, it was at this stage that Chico had the sol-



Signature of Gov. Mariano Chico.

diers and people swear allegiance to the new Constitution, and that he asked Fr. Durán to sing a High Mass in honor

[31] This again proves that Fr. Durán with the friars cared naught for the management of the mission property, otherwise he would have employed more diplomacy. As it was, he could foresee the consequences; but he did well to make it clear that the missions were Indian property, and not any more subject to forced contributions beyond paying the taxes and custom duties than the property of private individuals. Consequently, "secularizing" the missions after the manner observed was nothing less than robbery. Chico took the highwayman's stand immediately.

[32] "Cal. Arch.," St. Pap., Mis. & Col. ii, 635-638. This is another of those important documents which Hittell suppressed. In fact, he does not mention the Durán-Chico controversy. There was nothing to make out of it against the friars, and in their favor he wanted nothing. Happily, such methods no longer pass for historical. Bancroft styles the paper an "elaborate and able argument." Bancroft, iv, 45-46.

of the occasion. Fr. Durán refused, and the refusal only added fuel to his rage,[33] which reached the highest degree when, on his arrival at Los Angeles, he received the Fr. Presidente's reply with its unanswerable arguments to his question regarding the obligation of the missions not yet confiscated to furnish supplies. He there and then resolved to revenge himself on both the Fr. Presidente and Fr. José Joaquín Jiméno. Declining to discuss the rights of the neophytes, he in his reply of June 20th, 1836, announced to Fr. Durán that he had resolved that "Fr. José Jiméno should surrender Mission Santa Inés to José Maria Ramírez, in order that said citizen might administer the temporalities under the direction of the governor, and that Fr. Blas Ordáz should likewise turn over the management of the temporalities of Mission San Buenaventura to Carlos Carrillo." [34]

With a view to having his orders ratified, Chico, three days later, June 23rd, from Los Angeles, notified the territorial assembly at Monterey that, because Fr. Durán, owing to his confessed allegiance to the Spanish King,[35] had refused to offer High Mass on occasion of the general swearing to the new Constitution at Santa Barbara, and because of the principles the said Fr. Durán had enunciated in a letter of the 15th of June, he had determined to put the Missions of

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[33] It is singular that such unscrupulous politicians and officials as this fuming Chico, whose private life and public acts exhibit a total disregard for the laws of Religion and Christian morality, yet demanded that the highest act of Divine Worship should solemnize the product of their machinations which another clique might soon overthrow and likewise demand ecclesiastical recognition. It shows what low estimate they put upon Almighty God and His Ordinances.

[34] "Cal. Arch.," St. Pap., Mis. & Col. ii, 632.

[35] The king had not, as yet, acknowledged the independence of Mexico, but otherwise there was peace between the two nations. Missionaries go out from America and Europe to Asiatic nations with whom the governments frequently are at war. What would happen if Asiatic governments deprived missionaries, who never swear allegiance, of the management of property created by them and their converts?

Santa Inés and San Buenaventura into secular hands, and he would do likewise with Mission San Miguel but for the difficulty of finding a suitable person.[36] Chico asserted that he took this step out of suspicion that the subjects of another, still hostile nation, might utilize the means of the missions to the prejudice of the Mexican nation.[37]

The Junta Departamental referred Chico's message and Fr. Durán's letter accompanying it to the Committee on Missions consisting of David Spence, a naturalized Scotchman, and Rafael Gómez, a Mexican lawyer. Gómez seems to have dissented from his colleague's views, which thoroughly corresponded with the wild notions of the paisano chiefs and sounded just as though they had been dictated by a Pico or a Bandini. At all events, the wordy committee report, handed in on June 30th, bore the signature of David Spence only. To show its animus and the spirit of the members composing the assembly in 1836,[38] and how they tried to hoodwink one another[39] and the public in the face of Fr. Durán's unanswerable arguments, we herewith reproduce the document entire.

"The Committee on Missions, to whom Your Excellencies have referred the official communication of the governor of the 23rd instant, and another from the Rev. Fr. Narciso Durán, which exhibit to Your Excellencies the events that

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[36] Ignácio Coronel was soon deemed a fit person for the position; Chico appointed him as comisionado of San Miguel on July 14th, 1836. Bancroft, iv, 46.

[37] A gratuitous insult to the friars. At the height of their power they never used as much as a penny of the mission property, save for the benefit of the neophytes. Chico was hard up for a pretext. "Cal. Arch.," St. Pap.; Mis. & Col. ii, 621-634.

[38] See page 5, preceding chapter.

[39] Bancroft thinks that the assembly approved Chico's action merely "to provoke a quarrel between Chico and the friars," (iv. 46) for the Californians had already begun to detest him, though as yet they had no quarrel with him themselves. It is hard to explain Spence's ridiculous report and the assembly's acceptance of it on any other ground. In any case, then, the members acted as hypocrites and as unscrupulous enemies of innocent men.

have occurred at the Missions of Santa Inés and San Buenaventura,[40] which establishments and whose interests the governor has directed should be delivered to the administrators whom he has named, submits:

"The Committee might have occupied itself to say much in detail on the subject treated in the second communication relating to the many lamentations emitted by the Rev. Fr. Durán, because his brethren no more find themselves possessed of the temporal power [41] by means of which they kept unhappy California in debasement and obscurity; a power which the Supreme Being [42] has permitted to be destroyed; a power which made the subjects too stupid to promote the felicity of the inhabitants,[43] for every kind of enlightenment was prejudicial to the system of monastic education which they succeeded in establishing in the country to the public ruin of its unhappy settlers.[44]

"However, the Committee cannot burden itself with these details, for the reason that it is not asked to decide about them, but only to report on what is essential to the matter submitted by the governor. It therefore regrets that his person has been treated in a manner so offensive to the dignity

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[40] He probably meant Santa Barbara.

[41] Fr. Durán issued no such lament, as his letter shows; he deplored that the neophytes were deprived of what was their own by such as the unscrupulous territorial government officials, including the assembly.

[42] This "Supremo Ser," not Almighty God, had a peculiar fascination for these bogus Christians. Since Echeandía and Padrés appeared in Califorina, the paisano chiefs used the term frequently. Whatever they imagined it was, they never learnt it from the Catholic catechism, not any more than their policy.

[43] Indolence and other vices prevented felicity among the paisanos, not the missions under the Fathers, nor monastic education of which the so-called Californians had no conception. They were but repeating infidel jargon.

[44] Of course, all this is nonsense. Possibly Spence, if he was serious at all, thought that posterity would be dependent upon his paper for information.

of a magistrate, the representative of the Supreme Government.[45]

"It is just, Most Excellent Sirs, that the missions not yet secularized, as well as those that are secularized, should furnish the necessary supplies to the government,[46] for this is an obligation especially incumbent upon them particularly in the present situation when it is occupied in advancing them.[47] This incident, the only one that has ever occurred in this country, surprises the Committee, inasmuch as never before has a governor suffered the impudence which is manifest, and which has not been committed against any individual of the multitudes who from mere affection or through hospitality have been assisted.[48] Why then deny to the governor the aid to which he has an imprescriptible right whenever he asks it? This is a mystery in which is buried the whole desire to check his operations." Spence, therefore, recommended that the action of the governor, "secularizing" the said two Missions of Santa Inés and San Buenaventura, be approved. In the session of July 10th, 1836, it was so ordered, and the order was countersigned by José M. Maldonado and Manuel Crespo.[49]

We must now follow the wrathful governor to the south in order to witness, though with loathing, a spectacle that re-

[45] As the evidence shows, Chico received no discourteous treatment at Santa Inés. Any way, these sly members must have chuckled. We shall presently learn how they dealt with this "representative of the supreme government."

[46] Spence and the assembly talked for effect. Fr. Durán expressly declared that the missions, as heretofore, would furnish all the supplies needed, but on the same terms as other citizens were bound to furnish them. The mission despoilers pretended this to be arrogant and unjustifiable, and therefore simply appropriated the missions, so that their orders would be honored without a word about compensation. It was this that eventually ruined the property of the Indians beyond repair.

[47] The members must have again winked at one another.

[48] This hospitality of the friars was praised the world over by every traveler in California. Chico, too, was offered the same facilities that unannounced travelers received, and more. If he was not received ceremoniously, as he expected, it was his own fault.

[49] "Cal. Arch.," St. Pap., Mis. & Colon. ii, 639-642.

veals the degree of depravity and lawlessness reached by many of the so-called Californians in the early days, not only at Los Angeles, where it happened to come to the surface in such a shocking manner. What a pity the Indians outside the missions met with so few models of civilization which they could have imitated! Let no one speak of Indian degeneracy amid such environments. Every lover of humanity must deplore that the unsophisticated neophytes were not permitted to remain under the protecting arm of missionary rule, if for no other reason than that in the missions they would have been spared the sight of so much wickedness, and would have escaped the degradation brought upon them by white avarice and white profligacy; but we are anticipating.

Domingo Félix,[50] a ranchman, having been deserted by his wife, Maria del Rosário Villa, after two years of frequent efforts to reclaim her from a life of sin, at last invoked the aid of the authorities. The woman was arrested at San Gabriel, and, through the endeavors of an alcalde and some friends, induced to return to her worthy husband. Félix started homeward with her; but on the way he was stabbed to death by Gervásio Alipas, the woman's seducer. The corpse was dragged by Alipas and the woman to a ravine, where it was partly covered with earth and leaves. Five days later, March 29th, 1836, the body was discovered, and the murderers were jailed. Owing to several previous murders which had gone unpunished the excitement ran high, and when all the facts became known the indignation of the people knew no bounds. On April 7th, an organized mob of fifty-five citizens, including fourteen foreigners, headed by the Frenchman Victor Prudon, Manuel Arzaga, and Francisco Araujo, broke into the jail, dragged out the criminals, gave them a "trial," found them guilty, and shot them dead, the man, at 4:30 p. m., the woman, half an hour later. Such in brief is the story of the first instance of "Lynch" or mob law in California.[51]

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[50] Hittell, ii, 218, has Verdúgo.

[51] "Archivo de Los Angeles," i, 81-91; iv, 186-188, Bancroft Collection; Bancroft, iii, 417-419; Hittell, ii, 218.

According to Bancroft, while the mob was organizing, two messengers were sent to bring Fr. Pedro Cabót from San Fernando Mission, under the pretext that a dying Indian needed his spiritual assistance, but the Father refused to come on account of the bad weather.[52] In the "Hesperian," [53] a Mrs. F. H. Day writes: "The Padre of San Fernando Mission was twice sent for, and requested to appear in the Pueblo at a certain hour the following day to hear the confessions of the two murderers. The Padre, supposing that the execution would not take place for want of the opportunity of confession, and considering that such an awful mode of doing justice was never heard of in a Christian country, purposely forbore to appear at the time appointed, and the vigilante decision was carried out under the military (?) law, with great solemnity by the citizens."

All this sounds rather strange. Just why Fr. Cabót of San Fernando should be called, is a mystery. Los Angeles was then in charge of the Very Rev. Alejo Bachelot,[54] subject to Fr. Eleutério Esténaga, of San Gabriel. The former was right in Los Angeles, or at San Gabriel. At any rate, Fr. Cabót, but not on account of bad weather, quite properly refused to proceed to Los Angeles, which lay not within his jurisdiction.

It was the disgraceful affair just related (to which Chico gave a political significance, seeing in it "a resolution to overthrow the government"), which brought him to Los Angeles. He arrived there about the middle of June. On the 19th, as already stated, the governor presided at the swearing of the new Constitution. Afterwards, as was his custom in a frenzy, he stormed like a madman against the incarcerated leaders of the mob, and finally granted a pardon to all concerned in the tumult, excepting only José Pérez, Vicente Sánchez, José Sepúlveda, and Juan Ramírez, because they were said to have headed a second meeting of citizens. All he

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[52] Bancroft, iii, 418.

[53] vol. ii, p. 150, June 1859.

[54] See preceding volume. Appendix I.

effected was to make himself cordially hated in both Los Angeles and San Diego.[55]

Quite different from the treatment he accorded the murderers at Los Angeles was Chico's conduct towards the harmless priests Fr. Durán and Fr. Jiméno. His spite would hear of no excuse, explanation, or pardon. Fr. Jiméno, we know, was straightway removed from the Santa Inés management, and, when in July the governor returned to the capital, he declared to the territorial assembly that Fr. Durán should be ordered to Monterey and expelled from California "for having refused to celebrate Mass at the swearing of the *Bases,* for publicly maintaining that national independence was illegal, unjust, and anti-Catholic."[56] The unprincipled legislators[57] approved Chico's proposition forthwith. By way of excuse Bancroft says: "This action was consistent enough with the past policy of the diputación and, as will be remembered, had been recommended by Figueroa; yet it is not unlikely that the chief motive of this support of Chico by the Junta was to promote, through Durán's well known popularity at Santa Barbara, the disaffection of that conservative people, hitherto unmanageable in the interest of political agitators. The order for the expulsion was sent to the alcalde[58] on July 25th,[59] 1836; and all we know of the result from contemporary records is that on August 4th, Padre Durán announced to the alcalde that he could not go to Monterey by land, but must await the *Leonidas.*[60] It is stated, however, by several per-

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[55] Bancroft, iii, 417-419; 430-432; Hittell, ii, 218; 222-223.

[56] Of course, Fr. Durán neither publicly nor otherwise maintained anything of the kind, for he voluntarily took the oath of allegiance in the following year.

[57] For the names see preceding chapter, page 5.

[58] William Goodwin Dana, who had married a daughter of Carlos Carrillo.

[59] Rather July 13th, as per "Cal. Arch.," Dep. St. Pap. iv, 275-276, where on July 19th Dana notifies Chico that he had received the order of the 13th. Chico duplicated his order on the 25th, and Dana repeated Fr. Durán's statement to Chico on August 4th. "Cal. Arch.," Dep. St. Pap. iv, 281-282; 296-298.

[60] Fr. Durán had been suffering from gout for many years.

SANTA BARBARA IN REVOLT. FR. NARCISO DURÁN BROUGHT BACK TO THE MISSION IN A COACH

sons, who must have known the facts, that when an attempt was made to put the padre prefecto on board a vessel, the people of the town rose *en masse,* women in the front ranks, and prevented the local authorities from executing Chico's order. Santa Barbara, for the first time, was in open revolt against the government." [61]

The people ascribed Chico's persecution of Fr. Durán to his refusal to punish the Fathers Jiméno, and to his denunciation of the governor's vices, Bancroft explains. The former reason is most probable, but the latter rests upon the assertion of the shady pair Alvarado and Vallejo.[62] There is no likelihood that Fr. Durán at that early date of Chico's administration knew much or anything about the governor's escapades in the notoriously putrid atmosphere prevailing among the society people of Monterey during the Mexican rule. Besides, the capital then lay within the jurisdiction of the Fr. Presidente of the Zacatecan Fathers. At any rate, there is no documentary evidence that Fr. Durán preached against Chico. As in duty bound, he would have first warned the official privately.

It was Chico who in the end had to leave California, not Fr. Durán. His ungovernable temper, shameless conduct, and spiteful acts had at last aroused such hostility that, fearing for his safety, "he on July 30th officially informed local authorities that popular commotion, beyond his control from lack of troops, and by reason of disaffection in the ayuntamiento and diputación, obliged him to go to Mexico in quest of aid by which to restore order. In his absence, Nicolás Gutiérrez would hold both commands from August 1st." [63] On July 31st, six days after despatching the order for the Fr. Prefecto's exile, Chico found himself on the *Clementine* and sailing out of the harbor of Monterey, never to return, but not before giving another proof of his insane hatred for the venerable Superior of the Fernandinos. On resigning the

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[61] Bancroft iii, 435-436.

[62] Alvarado, "Historia," Mss., iii, 85-86; Vallejo, "Historia," Mss., iii, 120-121, both in Bancroft Collection, University of California.

[63] Bancroft, iii, 441-442.

governorship to Nicolás Gutiérrez, he left in the hands of his successor the following note: "The orders issued by me regarding the departure of Don Abel Stearns and of the Rev. Fr. Narciso Durán, a religious with regard to whom the Junta itself has moved that the government should banish him, you will take the opportunity of carrying out. You will observe the same with reference to the prohibition that the Spaniard Eulógio Celis should ever return to the territory, because, according to the information in possession of the government, he is an instigator of revolutions. Mariano Chico." [64]

Gutiérrez seems to have allowed the matter to drop; but Chico a short time before his forced departure had found means to annoy Fr. Durán in another way. In conformity with the Mexican decree of secularization of August 17th, 1833, the legislative assembly had assigned to Fr. Presidente Durán, as vicar-general of the Bishop of Sonora, an annual allowance of $3000.[65] This amount was to be raised in equal shares by the missions of San Fernando, San Buenaventura, and Santa Inés. A month after the occurrence at Santa Inés, Fr. Durán asked the comisionado of the then confiscated Mission of Santa Inés whether he could not remit the share of that establishment in produce, as he needed it for himself and attendants. In reply, the comisionado wrote that he had received orders from the governor not to dispose of any produce to the Fr. Presidente without first reporting to his office at Monterey that the Father stood in need of it, and that then with the next mail the governor would transmit his decision. "I have insisted," Fr. Durán thereupon wrote to Chico, "that your order does not extend to what has been legally contracted; but I have not as yet received an answer." [66] The reply from Chico, as we have seen, came in the shape of a command to the alcalde of Santa Barbara that Fr. Durán should be exiled.

The ex-governor, on his return to Mexico, resumed his seat in Congress as representative of Guanajuato. "The

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[64] "Cal. Arch.," Dep. St. Pap. iv, 288.

[65] See preceding volume page 519, art. 9; page 531, art. 3.

[66] Fr. Durán to Chico, July 9th, 1836. "Archb. Arch.," no. 2214.

troubles that resulted in his departure," Bancroft[67] declares, "must be regarded as revolutionary, having been fomented by a clique who desired to get rid of him, and rejoiced that the circumstances enabled them to effect their purpose without coming into open conflict with the National Government, and thus to try their wings in easy flights." After his departure, charges of dishonesty, etc., were raised; but "these statements," writes Bancroft,[68] "are made chiefly by Alvarado, Ósio, Vallejo, and Bandini; if any of them have a remote foundation in fact, I have not discovered it." The same may be said of numerous other assertions emanating from this clique which from this out will become more conspicuous, but not for honesty and disinterestedness.

[67] "California," iii, 444.

[68] "California," iii, 443.

## CHAPTER III.

Nicolás Gutiérrez Temporary Governor.—His Declaration on the Allowance for Divine Worship.—Fr. Durán's Brilliant Protest.—The Government as "Patron" of the Church.—"Quidquid Semel Domino Consecratum, Sanctum Sanctorum Erit Domino."—Consequences of Defrauding Divine Worship.—Revolt Against Gutiérrez.—Forced to Leave the Territory.—Animosity between Californians and Mexicans.—The Cause.—Proclamation of Castro, Alvarado, Buelna and José Ant. de la Guerra.—They Declare California Independent.—They Constitute Themselves the Congress.—José Castro, President.—His Proclamation.—Mariano Vallejo also Proclaims.—Alvarado, Governor.

GOVERNOR CHICO, in accordance with the laws, but against the wishes of the territorial assembly, had left the civil and military command of California to Lieutenant-Colonel Nicolas Gutiérrez, who thus a second time became temporary governor. He was at the time military commander of the south, and did not reach the capital until a month later, September 6th, 1836. On the 23rd of the same month, he ordered elections to be held for the electors who were to choose the assemblymen at Monterey on November 6th.[1] Little else is known of his administrative acts,[2] some of which touched the missions. Fr. Ramón Abella of San Luis Obispo, for instance, complained of the governor's interference in mission affairs, and of his apparent intention to cause the friars all the annoyance possible.[3] The sole document con-

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[1] Bancroft, iii, 445-446; Hittell, ii, 227-228.

[2] Much more is recorded of his extra-official conduct with which we cannot soil these pages. See Bancroft, iii, 447. One of the historian's authorities, Eusébio Galindo, curiously remarks: "Gutiérrez was not a bad man, but fond of women. Many scandals were current about him in this respect." It would be interesting to know what with these paisanos constituted a bad man. Society during Mexican misrule, especially at Monterey, appears to have been thoroughly corrupt. Hence the indifference on this point.

[3] Bancroft, iii, 446.

cerning the missions, which this temporary successor of Chico issued, seems to corroborate Fr. Abella's charge.

In a circular addressed to the administrators of the confiscated missionary establishments, Gutiérrez essays the following remarkable interpretation of an article in the Mexican secularization decree: "The law of August 17th, 1833, assigned $500 as the maximum amount [4] which should be paid for the expenses of Divine [5] Worship in the new curacies. Some of the friars erroneously believed that they should receive exactly $500; but this government, after consulting with wise (?) men, disposed that to the said Fathers for said purpose only so much shall be paid as is necessary in the judgment of the administrador and the parish priest." [6]

A similar order had been issued by Gutiérrez on January 31st, 1836, and communicated to Fr. Durán with some other remarks, which called forth one of those brilliant documents for which the noble Fr. Durán is famous, and which it is a pity to curtail. We therefore reproduce it. "I have seen the circular," he writes to the temporary governor, "concerning the $500 allowance for Divine Worship, which on January 31st, last past, it has pleased Your Honor to communicate to me in order that I bring it to the notice of the Rev. Missionary Fathers. Before doing so, however, it has seemed to me to be according to the duty of my office to make some

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[4] The law (see preceding volume, pp. 578-580) said nothing about a maximum or minimum amount. The restriction was an invention of those who dictated to the timid Figueroa. Article 6 merely directs that "Five hundred dollars are appropriated for the service and worship in each parish church." Figueroa's Reglamento, before he was cajoled into cutting down his allowance (see vol. iii, 578, note 26), likewise directed that, "In accordance with Article 6th of said law of August 17th, 1833, $500 shall be paid annually for the expense of worship and of the attendants in a parish."

[5] For a wonder we find here in an official document emanating from a California official of the Mexican period the right term employed, "Culto Divino." We are glad to be able to give credit for it.

[6] Gutiérrez to the administrator of Santa Inés, September 27th, 1836. "Sta. Barb. Arch."; "Circular" of Fr. Moreno, "Libro de Patentes," Mission Santa Cruz.

observations with the courtesy and moderation becoming to my position, and to the respect due to the authority of Your Honor.

"I shall not expatiate on the circular's terms *parishes* and *parish priests,* which are applied to the churches of these missions and to the Fathers who minister to them; for, in due time, protest has been made to the government against those names, because the one and the other continue in the same canonical sense as ever, since for the election of a parish priest and the erection of a parish the civil authority is not sufficient; there must concur as the principal and canonical party the authority of the Church as the sole and exclusive fountain of all spiritual jurisdiction, which is acknowledged by the very Act of Secularization in Articles 8 and 12.

"I shall begin at what the circular terms the *maximum* allowance for Divine Worship. The question at once obtrudes itself: Upon what is based this *maximum,* which is a correlative word to *minimum,* when Article 6 speaks absolutely and excludes every comparison as to *more* or *less,* as any one acquainted with grammar perceives at first sight? The article referred to assigns absolutely $500 allowance for Divine Worship without either remotely permitting any margin for *more* or *less,* or for the interpretations of the territorial government for a *minimum,* which is not to be found in the article. How then can Your Honor attribute to the territorial government the power of assigning an amount which you may judge absolutely indispensable, when this absolute judgment is already passed by the law of said article in absolute terms which excludes every comparison as to *minimum* or *maximum?* This is clearly seen in Article 2 of the same law.[7] By it parishes or parish priests are established with an allowance of from $2000 to $2500 according to the judgment of the government. Here we have an article making comparison between a *maximum* and a *minimum* within which the government has ample room for a fair and prudent choice, inasmuch as it may assign to some of the

[7] See page 518, preceding volume.

missions the minimum of $2000 and to others the *maximum* of $2500; but in Article 6, upon which the circular bases itself, it is totally different, because everything is absolute, and there is not a single word which indicates a comparison. Where, then, is the legal faculty of the governor for cutting off a single reál from the absolute allowance which the law makes absolutely in favor of Divine Worship? If a law without restriction assigns $3000 to an employee, can the government regard itself empowered to adjudge a *minimum* of this amount? Certainly not, for the absolute laws must be understood and executed absolutely. It would be another thing if the law said that the salary for such employment should be two or three thousand dollars. Then there would be ample freedom for the authority of the government to assign either of the two comparative amounts which naturally include the *maximum* and *minimum*, as may be clearly seen from said Article 2 of the Law of Secularization; but nothing of this kind does Article 6 contain which might favor a *minimum* of $500.[8]

"Let us now pass on to the most striking portion of the circular, namely, that the Nation is the Patron and Protector of the Church.[9] As to being protector, there is no difficulty, for in order to protect one against another no authority is required, inasmuch as the protected will not decline protection; but in order that the Nation be the Patron, or possess the *Patronáto*[10] over the Church, there stands in the way no less a difficulty than the Catholic dogma of the Independence of Ecclesiastical Jurisdiction from every civil authority.[11] You

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[8] In spite of Fr. Durán's clear statement, which left no loophole for escape, Gutiérrez, probably by direction of the spiteful Chico, repeated Figueroa's and his own unjust decision to the administrador of Santa Inés.

[9] "Que la Nacion sea Patrona ó tenga el Patronato de la Iglesia."

[10] See volume ii, page 670, for the meaning of Patronato.

[11] Such independence from secular interference, absolute liberty in spiritual matters, is implied in the commission to teach all nations (Matt. xxviii); in the authority to loose and bind given to St. Peter

will probably know how much has been written in our times on this question. You will know how, for denying the assumption, our illustrious Bishops suffered expulsion. You will know that, when they perceived the effects of that question, the people became alarmed because they believed that ere long steps would be taken to deprive them of their Religion. In fine, Your Honor will know that the motive for the persecution, deaths, and exile of the clergy of France in the last century, was because they would not and could not in conscience recognize as inherent in the [12] nations the right of the Patronato as was presumed by the so-called *Constitución civil del clero de Francia,* a document full of heresies condemned by the Supreme Pontiff, the Venerable Pius VI. Notwithstanding all this, the circular decides with a single stroke of the pen that the Nation is the Guardian of the Church! [13] What skill in deciding doctrinal questions! I ask Your Honor: Is the Nation the guardian on account of its sovereignty, or in virtue of a privilege, or by concordat with the Supreme Pastor of the Universal Church? Such a privilege or concordat as yet has not been promulgated, although this is a matter of as grave importance as the Mexican Government might have to handle for the quietude, peace and internal tranquillity of its subjects. We must therefore conclude that there is none, and that there is nothing left but that you ascribe such guardianship to the Nation as being an attribute essentially inherent in its sovereignty.

"But, great God! what deplorable consequences flow from this principle! The blood is still moist which it has shed

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(Matt. xvi); and to Peter and all the Apostles (Matt. xviii). It also stands to reason that the Church of Christ must be absolutely free and independent to carry out her commission.

[12] "El no querer ni poder en conciencia reconocer este derecho de patronato como esencial á las naciones."

[13] Patrona de la Iglesia, that is to say here, not in the sense of protector or patron, but as having authority over the Church, an intolerable, unscriptural assumption.

in our time throughout France![14] It subjects the Church and renders her a slave to the enemies in power, whom she always has had and always will have while the present world lasts! According to this principle, it would be necessary to say that Nero, the sovereign of Rome, was the guardian of the Catholic Church, and that, in the exercise of his right, he could paralyze St. Peter's use of the power of the keys which he has received from Jesus Christ Himself, and deliver part of it to Simon Magus, his antagonist.[15] In fact, it would be in order to accuse our adorable Savior of having violated the rights of the national sovereignty of Rome, when He delivered the Supreme Government of His Church, not to Tiberius, then sovereign of the civilized world, but independently to a poor fisherman, named Peter! Can the ears of the Catholics of the Mexican Nation, can Your Honor, without shuddering listen to consequences which naturally and clearly flow from the principle that the guardianship over the Church is essential and inherent in the sovereignty of the nations?

"It is one thing for a Catholic government to have the right to ask for and to obtain the patronato from the Power to whom it pertains to grant it; and it is quite another thing to have the right to exercise it on its own account and in virtue of the national sovereignty without asking and obtaining it from any one. The former is a political and rational truth; the latter is a manifest heresy. The difference may be clearly observed in the various concessions of immunity which Catholic governments have conceded to the clergy. These latter have the right to ask for and to obtain them; for they are, as it were, part of the natural law or the law of nations recognized by all races that have religion and are not prejudiced by impiety; but this same clergy would act wrongly, and would violate the right of nations,

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[14] The conceited young paisano chiefs, quite in keeping with what they had learned from French infidel mentors and literature, acted upon the arrogant assumption that they were also lords over the Church of Christ.

[15] See Acts of the Apostles, viii.

if they would arrogate to themselves these concessions before the governments had granted them. The same holds good in the case of the patronato of Catholic governments. The Catholic Church, having once been recognized as national,[16] the Government has the right to ask for and obtain the patronato; but that government will always act wrongly which arrogates it before it has been conceded by him who alone can grant it, the Sovereign Pontiff of the Catholic Church. Not having borne in mind this distinction, which the majority of the people do not easily understand, though they resent the consequences, some of the wise ones, who have agitated this question in our day, have culpably failed to present it with all the clearness of which it is susceptible; and others have been guilty of great absurdities and theological heresies, which I consider to be far from Your Honor and from Señor Castro, judging from the profession of Your Honor and of his, because I know that elucidating a theological question, having essential connection with a dogma of Catholic Faith, is not the same thing as issuing political manifestos and military proclamations.[17]

"Your Honor will now see how much may be said and known on the patronato over the Church, and therefore that there is ample reason for not discussing and decreeing freely, as does the circular, on the allowance of $500 which an absolute law assigned, and which a subordinate authority cannot annul without evidently violating that same law, and perhaps without preparing the way for the ruin of Divine Worship in this territory, though such result may not be intended; for it is by no means impossible that in the course of time some would-be-philosopher of the many that roam through this world of God may be inflicted upon the missions as administrator. Hence, if the allowance for Divine Worship depends upon a man whose head is filled with bogus philosophy, he might affect to believe that there is no need of wax, altar-

[16] The Mexican politicians had declared the Catholic Religion the national Religion, why, is not clear. They paid no attention either to its laws or its ministers except to oppress them.

[17] A dig at the paisano chiefs who reveled in proclamations.

bread, pure wine, vestments, church repairs, wages for servants, etc., because, as he puts it, *God, being a pure Spirit, needs none of these things, but is content with the mere spiritual worship of the heart.* Does not then the circular (it would seem), put the matter in such a plight that we may be without Divine Worship altogether? I know very well that a Catholic government would never permit things to come to such a pass; but before we should obtain relief, so many demands and replies and so many delays would result, in consequence of the distance, that in order not to experience them it might seem preferable to let everything go.

"Here I must likewise observe that the $500 allotted by the law to Divine Worship must be regarded as taken from the amount that is subject to worldly uses, and transferred entire to the portion that is considered sacred, over which no authority, save that of the ministers of the Church, can be understood to have power. That amount an absolute law has solemnly consecrated to God and His Worship, and therefore it is comprised in the general law of Leviticus, chapter twenty-seven, verse twenty-eight: 'Quidquid semel fuerit Domino consecratum, Sanctum Sanctorum erit Domino,' that is to say, 'Whatever has once been consecrated to the Lord, shall be holy of holies to the Lord.' Now, then, whose business is it to administer what has been offered and consecrated to the Lord? Your Honor, please listen to verse twenty-one of the same chapter and book which says: 'Possessio consecrata ad jus pertinet sacerdotum,'—'A possession consecrated pertaineth to the right of the priests.' Hence, not even the former owners could ever recover what had been offered. In order that this may not be doubted, and lest a philosophized head say that things in the New Testament are different, I refer him to chapter five of the Acts of the Apostles. There he will find what happened to poor Ananias and Saphira for having reserved a part of what they had consecrated to God, and the exemplary punishment St. Peter inflicted upon them.

"It seems to me that I may say openly, though respectfully, that Your Honor could not lawfully give to the ad-

ministrators of the missions the orders which you issued in the circular on the *minimum* of the $500 assigned absolutely for Divine Worship and consecrated to the Lord, and that the disbursement of this amount must be left exclusively to the missionaries without conceding so much power to the gentlemen in charge, which, in cases, might amount to a degrading slavery.[18] If the government harbors any distrust on this point, there are books in which the disbursements made for the purpose of Divine Worship must be entered, and the Superiors who examine them will reprove the culprit if there be any. I know very well that the missionary establishments are very heavily burdened,[19] and that they need very much the economy which the Reglamento prescribes; but that this economy should be sought in the Church where it is not necessary, and its want not perceived where it is really necessary,[20] this I hold to be a matter which is not proper. Rather, it seems to me that this prescribing economy in Divine Worship is a means sufficiently powerful to force God to dissipate with His Omnipotent Breath the little that remains of the missions,[21] as, for a similar reason, happened to His people, according to chapter one, verse nine, of the Prophet Aggeus,[22] not to speak of many other cases where ecclesiastical property, administered by competent hands, prospered for the benefit of every one, whereas, when it was transferred from those hands, the result was feasting to-day and fasting to-morrow.[23]

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[18] It put the missionary priest in the position of an unfortunate wife who is obliged to beg the parsimonious lord husband every time she needs a trifle; an unworthy situation.

[19] especially with having to pay salaries to superfluous administrators, whereas, before, the friars served without compensation.

[20] for instance, in imposing superfluous administrators.

[21] That is what actually happened to the confiscated missions.

[22] "You have looked for more, and behold, it became less; and you brought it home, and I blowed it away; why, saith the Lord of hosts? because my house is desolate, and you make haste every man to his own house."

[23] "han sido pan para hoy y hambre para mañana." That is just what befell the mission despoilers. Pio Pico, the leader, escaped the poorhouse only through the charity of American friends. His is not a solitary case.

"These brief remarks on the circular of Your Honor and on your predecessor, José Castro, it has seemed to me necessary to make in virtue of my office. Your Honor may make whatever use of them you like; but let it not pass from view that we shall soon reach the country where the things will be seen and treated as they really are, which is what, on my part, I desire to do at once. I shall yield only to bare force, protesting against it, for lack of every human tribunal, at the tribunal of Divine Justice, convinced that I cannot communicate to the Fathers what has been decreed by Your Honors, because that would be nothing less than co-operating in the oppression, and parading in triumph, as it were, the enslavement of holy Mother Church. I hope Your Honor will not take this ill in a minister of this holy Mother, when he believes himself to be complying with his obligation." [24] The last of the Spanish Superiors of the missions thus proved himself worthy of his predecessors in office, not only as a clear thinker, brilliant theologian, sincere religious, and noble citizen, but also as a fearless, inflexible missionary of Christ.

What effect, if any, this protest of Fr. Durán had upon Gutiérrez, we do not know. It certainly did not stay the encroachments upon the mission property. The paisano chiefs cared little for either the Bible or the decrees of the Church to which they claimed to belong, but which they disgraced. However, the same fate that had overtaken the spiteful Chico, seized his inglorious successor Gutiérrez more speedily than could have been expected. He incurred the wrath of the Alvarado and Castro clique. The consequence was that the

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[24] Fr. Durán to Gutiérrez, February 19th, 1836. This was the date of the original draft, a copy of which had been sent to Gutiérrez. It was lost at the time; Fr. Durán then forwarded it after the temporary governor had sent his circular to Santa Inés in September. "Sta. Barb. Arch." Fr. Rafael Moreno, presidente of the Zacatecan friars, on January 30th, 1836, likewise addressed the governor on the subject, and informed him that his College thought the governor's order very strange, offensive, opposed to the sacred canons and ecclesiastical laws, and contrary to no. 12 of the Mexican Constitution. "Cal. Arch.," St. Pap. Missions, x, 287-288.

*Most Excellent Diputación,* as the seven members who composed the territorial assembly loved to be addressed, resolved to rebel, a proceeding, which had now become the fashion with the young California upstarts. They determined to force Gutiérrez out of the country unless he surrendered the civil government to one of their number, to whom, as they claimed, it belonged. Of course, this was in direct opposition to the regulations of the Supreme Government, which had ordered both the civil and military command to be united in the same person. José Castro on a former occasion, in obedience to this rule, had resigned the office of civil governor to Gutiérrez, but now with the majority of the members he resolved that the regulation was out of order. Accordingly, José Castro, J. B. Alvarado, Antonio Buelna, and José Antonio de la Guerra, son of the "Patriarch" of Santa Barbara,[25] signed the demand that Gutiérrez should resign as governor of California. Three of the seven legislators, namely, David Spence, José Joaquín Gómez, and Manuel Crespo, refused to join their colleagues in the transaction. Gutiérrez declined to surrender his office and fortified himself in the presidio of Monterey. By emptying a number of musket cartridges, the revolters under Alvarado managed to collect sufficient powder to fire from a small cannon the single ball they had found. The gun was placed in charge of an old Manila gunner who directed it so well that the ball went crashing through the roof of Gutiérrez's house spreading terror and alarm. The single shot sufficed to change the governor's mind, and made him anxious to capitulate before a second messenger of the kind should follow the first. Alvarado, who would have found it impossible to fire another shot, was no less willing to accept the surrender. The terms were immediately arranged. Gutiérrez, on November 5th, was placed on board the *Clementine,* and thus, on November 11th, he found himself sailing out of the harbor for Mexico

[25] José de la Guerra. José Antonio differed from his noble father, inasmuch as he seems to have thrown his lot with the chronic revolters.

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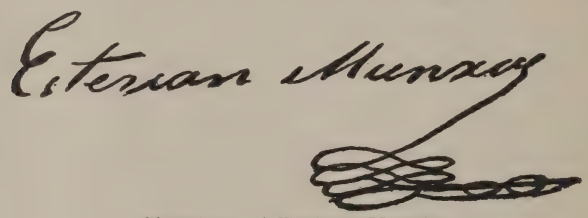
BOSTON ECCLESIASTICAL SEMINARY,
BRIGHTON, MASS.

on the same vessel that had rid the territory of the fuming Mariano Chico but three months before.[26]

In order to understand the situation in California at this stage, it must be noted that disgust with Mexican representatives was not confined to the territorial assembly. It was shared more or less by the whole population.[27] "For some



Signature of Estévan Munrás.

twenty-five years," says Bancroft, "since the *memória*[28] ships ceased to come, there had been a feeling that California was neglected and wronged by the home government. The Mexican republic after the success of the revolution did nothing to remove the feeling. The people, though enthusiastic republicans in theory, waited in vain for the benefits to be gained from republicanism. The sending of convicts and *cholo* soldiers from Mexico went far to intensify provincial prejudice. The Californians came to regard themselves proudly as superior in blood and morals[29] to those *de la otra banda.* Mexicans of little experience or ability were given commissions in the presidial companies, and sent to command veterans who had grown gray in the service and believed them-

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[26] Bancroft, iii, 447-465; Hittell, ii, 231.

[27] Nevertheless, Estévan Munrás, a respected Spanish citizen, and David Spence, according to Bancroft, iii, 455, doubtless, with many others, opposed the use of force, and recommended a petition to the General Government. This was the proper thing to do; but the unruly youths headed by Alvarado would have it otherwise.

[28] "Memórias" were the goods received annually from Mexico in payment for military service. The goods purchased with the stipends of the missionaries were likewise called memorias. They had ceased with the year 1811.

[29] as to morals, at least, the assumption was unfounded.

selves entitled to promotion. When commerce brought a degree of prosperity, it was in spite of Mexican revenue laws, and Mexican officers were sent to manage the revenues. Complications growing out of the colony scheme [30] had an effect to widen the breach. Foreigners, with interested motives but sound arguments, labored to prove that California had received nothing but neglect and ill treatment from Mexico. Last, but not least, there were various personal interests and ambitions thrown as weights on the same side of the scale.

"The result was, in 1836 a strong popular feeling amounting almost to hatred against the Mexicans 'of the interior,' [31] and a belief that Mexico should furnish for California something more or something less than rulers and laws made with no reference to the country's needs. The popular feeling was not one of disloyalty to Mexico as a nation. The Californians were far from entertaining as yet so radical an idea as that of absolute independence; but they believed that territorial interests should be consulted by the nation, and that no more Mexican officers should be sent to rule California. Alvarado, Carrillo, Castro, Pico, Vallejo, and other young Californians of the same class, the men who had for the most part supplied the diputación with members, the politicians of the country, not only shared the popular sentiment, but were disposed to utilize it for their own as for their country's interests. They were willing to furnish from their own number men to rule California and handle its scanty revenues. Even they were not yet prepared to advocate entire separation from Mexico; but some of them had become more than half convinced that Mexican ways of doing most things were not the best ways. Yet they shrewdly feared foreign influence, and were disposed to be cautious. Their present purpose was to gain control of the country; later there would be time to determine what to do with the prize. Their success against Victoria [32] had given them self-confidence,

[30] See preceding volume, section ii, chapter xii.

[31] i. e. Mexico.

[32] See preceding volume, section ii, chapter iv.

and made the word 'revolt' less terrible in their ears. Later success in getting rid of Chico by other methods still further flattered their self-esteem, and the rumors that centralism was on its last legs augured comparative safety. Manifestly their time had come. Hence the rising against Gutiérrez. Juan B. Alvarado, second vocal and president of the diputación, was the leading spirit of this movement. He was at this time twenty-seven years of age,[33] and employed as inspector in the custom-house." [34]

It would be interesting as well as amusing to note the antics of the vaunting upstarts in the struggle for power after the forced resignation of Gutiérrez; but, as such description is foreign to our subject, we shall admit only so much as is necessary to judge intelligently the conditions in California at that time. On November 6th, ere the ex-governor had left the harbor, the territorial legislators reassembled at Monterey, that is to say, four of them: José Castro, Alvarado, Buelna, and José Antonio de la Guerra. Spence, Gómez, and Crespo took no part in this or subsequent meetings. Their first action was a proclamation. "No people in the world, perhaps," says Hittell, who applauded their acts against the missionaries, "have been more addicted to grandiloquent appeals, proclamations, pronunciamentos and all that kind of inflammatory literature than the Mexicans; and the Californians were Mexicans." [35] Hence the reader will not wonder at the following effusion from the circle then in charge of the political affairs of poor California.

*"The Most Excellent Diputación of Alta California to its*

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[33] His associates similarly possessed far more conceit and arrogance than years, experience and Christian ideas. Castro, subsequently the "great" general, confessed to twenty-six years; Guerra claimed thirty-one years; Buelna was of about the same age; and Vallejo, the "grand capitan," counted twenty-eight years. Spanish-born men were excluded, as the reader will remember. That was the reason why insolent youths obtained control. Nor did age improve them, as we shall learn in the course of time. See remarks, note 47, p. 566, vol. iii.

[34] Bancroft, iii, 449-451.

[35] Hittell, ii, 232.

*inhabitants!* Californians! Heaven favors you. You are doubtless its chosen portion, and therefore it is leading you with propitious hand to happiness.[36] Until now you have been the sad victims of servile factions, whose chiefs, content with a passing triumph, taxed to the utmost your long-suffering patience. As obedient sons of the mother country, and faithful defenders of your liberties, you swore solemnly before God and men to be free, and to die rather than be slaves. In this spirit you adopted forever, as a social compact to direct you, the Federal Constitution of the year twenty-four. Your government was organized at the cost of immense sacrifices, which unnatural sons trampled on, ignoring them in order to found upon your ruins their own fortune and criminal advancement; and when it seemed that you were already the sure patrimony of the aristocratic tyrant, you boldly waved the banner of the free: 'Federation or Death is the Destiny of the Californian.' Thus have you shouted, and a cry so sweet will be indelibly engraved upon your hearts in which the sacred fire of love for the country is seen to burn incessantly. You have tasted the sweet nectar of liberty; the bitter cup of oppression may not be tendered you with impunity. California is free, and will sever her relations with Mexico until she ceases to be oppressed by the present dominant faction called the Central Government. To accomplish so interesting, so grand an object, it remains only that we, the inhabitants of this soil, united, form a single wish, a single opinion. Let us be united, Californians, and we shall be invincible, if we use all the resources on which we may count. Thus shall we make it clear to the universe that we are firm in our purpose, that we are free and federalists! José Castro, Juan B. Alvarado, Antonio Buelna, José Antonio Noriega. Monterey, November 6th, 1836." [37]

Next day, November 7th, the four members deliberated on a declaration of independence. A plan proposed by Alvarado was at last unanimously adopted by himself and his three

[36] "The Lord save us!" the missionaries, neophytes, and law-abiding people must have exclaimed.

[37] Bancroft, iii, 469-470; Hittell, ii, 231, has but an extract.

confederates. It was as follows: 1. Alta California is declared independent of Mexico until the federal system of 1824 shall be reestablished. 2. The said California is erected into a free and sovereign state, establishing a congress, which shall pass all the particular laws of the country, also the other necessary supreme powers, the present Most Excellent Diputacion declaring itself constituent. 3. The Religion shall be Catholic Apostolic Roman,[38] without admitting the public worship of any other; but the government will molest no one for his private religious opinions. 4. A constitution shall regulate provisionally all branches of the administration, as far as possible, in accordance with the said constitution. 5. While the provisions of the preceding articles are being carried out, Don Mariano Guadalupe Vallejo will be called to the military commandership. 6. The necessary communications will be made to the municipalities of the territory by the president of the Excelentisima Diputación.[39]

Upon the adoption of the foregoing pronunciamento, or declaration of independence, the name of the territory was immediately changed to "El Estado Libre y Soberano de la Alta California"—"The Free and Sovereign State of Upper California." The four legislators then constituted themselves the so-called "Congreso Constituyente" of the new State. At the next session, November 9th, the first act passed was a decree, signed and issued by José Castro as president and J. B. Alvarado as secretary of the new government, announcing themselves as legitimately installed.[40]

In the opinion of the leaders, it next became necessary to stir up popular anti-centralist feeling throughout the country.

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[38] Why these usurpers and mission despoilers mentioned religion at all, and the Catholic Religion at that, as though she could countenance the acts of these men, who entirely disregarded her precepts and rights, is a mystery. As in the case of liberal politicians in other Latin nations, they only brought the odium of seeming complicity upon the Church which they dishonored.

[39] "Cal. Arch.," Dep. St. Pap., Angeles x, 40; Forbes, "California," 149-150; Bancroft, iii, 470-471.

[40] Hittell, ii, 232; Bancroft, iii, 471; Robinson, 180-184.

Accordingly, on November 13th, 1836, José Castro, styling himself "Commander of the Vanguard of the Division of Operations," issued a printed proclamation in these pompous terms: "What is the loss of property, of family, even of life itself, if we are obliged to undergo the hard and detestable burden of slavery? Death, yea, the total extermination of ourselves, our fortunes and our families is preferable to the degrading title of slaves![41] If the time must come when another race shall occupy our rich and fertile soil, let them, in recurring with admiration and compassion to the past, exclaim: 'Here was California, whose people preferred destruction to the dominion of tyrants!' Repeat then with me, Long live Federation! Long live Liberty![42] Long live the Free and Sovereign State of California!"[43]

"Vallejo could, of course, do no less than Castro," says Hittell ironically. He had been named military commander, and "congress," on November 29th, made him a colonel. On the same day he took the oath of allegiance to the new government, and then issued the following bombastic proclamation: "Fellow Citizens. The Sovereign Legislative Assembly of the Free State of Alta California calls me to its aid, and I obey its supreme determination, putting myself at the head of the brave men who surround me,[44] and accepting the general commandership for the public welfare, whose slave alone I am. Yes, Fellow Citizens, I swear to you before God,[45] I would promise to secure your happiness, if, as my soul abounds in love for the country, my knowledge were suffi-

[41] Yet, he and his confederates enslaved Indians in the confiscated missions.

[42] except for the neophytes, who had to labor for these brawlers.

[43] "Cal. Arch.," Dep. St. Pap., Angeles x, 39; Hittell, ii, 232-233; Bancroft, iii, 471. Subsequent operations demonstrate that Castro and his noisy compatriots could shoot far better with the mouth than with the gun, and that his sword never had a chance to hurt any one in battle.

[44] The bravery which he and his men displayed was nothing to boast of. Like his confederates he took good care not to enter the fire-line.

[45] "Yo os juro ante Dios."

cient to second my good intentions and the purity of my desires. Yet, I will strive to that end, and I will succeed in showing that I am a citizen who loves the liberty of a country so often outraged with impunity. If I succeed, my reward will be the well-being of the sovereign people to which I have the honor to belong; but if it may not be so, my fitting recompense will be a cold stone, which, confounding me among insensible beings, shall publish—'Here lies a Californian who yielded to death rather than to tyranny!'" [46] All of which is very amusing in the face of the documentary evidence. The reader will guess correctly that Vallejo took good care not to need a cold stone as a fitting recompense for bravery on the battlefield. He was exceedingly brave when facing helpless priests.

On the 4th of December, the four, who had usurped the executive as well as the legislative branches of government in the territory, set to work reorganizing the revenues and offices. The apostate Mercedarian friar Ángel Ramírez, who had occasioned the revolt against Gutiérrez, was discharged along with his adherents, and William E. P. Hartnell, a naturalized Englishman, became the first collector of customs at Monterey at a salary of $1000. His clerk received $360. It was then decreed that the military should consist of citizens. The town councils were directed to prepare lists of all male inhabitants from fifteen to fifty years of age. On December 7th, it was resolved to choose a chief executive in the place of José Castro, who had hitherto acted as president of the congress of four. Juan B. Alvarado was declared governor until a regular appointment should be made. His salary was to be $1500, and he was to have the title "Excellency." He was also given a secretary at a salary of $1000. As chief executive Alvarado was head of the army with the rank of colonel. José Castro was made lieutenant-colonel. Mariano Vallejo thus lost his previous appointment after less than ten days; but he was compensated

[46] "Cal. Arch.," Dep. St. Pap., Los Angeles x, 37; Vallejo "Documentos," iii, no. 269; Bancroft, iii, 473; Hittell, ii, 233.

by being allowed to regard himself as commander of the north.[47]

Finally, it was agreed that each town council in the new state should elect a delegate and a substitute, and that those chosen, with the members of the existing congress, should constitute the next congress whose duty it would be to frame a constitution. Alvarado then took the oath on December 20th, 1836.[48]

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[47] Hittell, ii, 233-234; Bancroft, iii, 474-477; Gleeson, "Catholic Church," ii, 144-146.

[48] Hittell, ii, 238; Bancroft, iii, 475.

## CHAPTER IV.

Alvarado Proceeds to Force Recognition in the South.—How Received by Fr. Presidente Durán.—The Latter's Efforts in Behalf of the Indians.—Fr. Durán Saves California.—Alvarado's Scheme.—The New Assembly at Santa Barbara.—An Emissary Goes to Mexico.—Fr. García Diego Reports to the General Government.—His Recommendations.—Carlos Carrillo Appointed Governor.—Installed at Los Angeles.—Alvarado Refuses to Surrender the Office.—"Battle" at San Buenaventura.—Alvarado Appointed.—Attitude of the Friars.—Vallejo Congratulated by Fr. González Rúbio.

ALVARADO as head of the territorial government was recognized in the north, but Los Angeles and the south, where the no less ambitious Pio Pico, Antonio Ósio, and Juan Bandini swayed the public opinion, repudiated him as well as his so-called congress. Conservative Santa Barbara appeared undecided. In order to compel recognition, Alvarado decided upon a military campaign. Leaving the civil government in charge of Mariano Vallejo at Monterey, he set out on or about Christmas Day, 1836, with a force consisting of probably sixty Mexicans or Californians, and a party of foreign riflemen under a Tennesseean adventurer named Isaac Graham, with whose assistance he had frightened Gutiérrez out of the country.[1]

The young leader soon perceived that, to succeed, he should have to secure the good will of Santa Barbara, and, above all, the recognition of the highly respected Fr. Presidente Narciso Durán, who, as the representative of the Bishop of Sonora, held the highest ecclesiastical position in the territory. On approaching the town, he accordingly sent ahead his lieutenant, Jacinto Rodríguez, in order to ascertain the sentiments of the inhabitants, and to present a personal letter to Fr. Durán. The outcome of it all was that he received an invitation to enter. Alvarado first marched his men to the mission, and

[1] Bancroft, iii, 479-491; Hittell, ii, 239-240.

there, he writes, "in conformity with a very ancient custom, when I approached Fr. Durán, I dismounted and, walking to the right of the Rev. Father, entered the church of the ex-mission [2] Santa Barbara, where, notwithstanding that I wished to have an interview, at the earliest moment, with the captain of the presidio of the same name, I assisted at the *Te Deum* which was sung with musical accompaniment in honor of my arrival. The fact that I had been received by the Fr. Presidente of the missions of the south with all the honors, which, according to the law, durst not be offered to any one but the governor of the territory, was of more value to me than a victory gained on the field of battle; [3] for the southerners, being essentially religious, began to incline in my favor since they saw that Fr. Durán accorded me the honors of a governor though I had not demanded them." [4]

Such is the version of Alvarado corroborated by Vallejo. Ordinarily, the unsupported statements of the one or the other, or of both together, count for little or nothing; but, although no other report of the incident exists, it is probable that Alvarado's story, in the main, is correct. Fr. Durán, as well as Captain José de la Guerra, to all appearance had determined to recognize the new government, though they have not left on record any expression of their views at this time. Alvarado was *de facto* governor, and he professed to abide by the decision of the Supreme Government. It is quite likely, therefore, that the Fr. Presidente on that 3rd of January, 1837, did accord Alvarado the honors he claims to have received. Apart from this, "there is much reason to conclude that they looked upon Alvarado's success, now that the move-

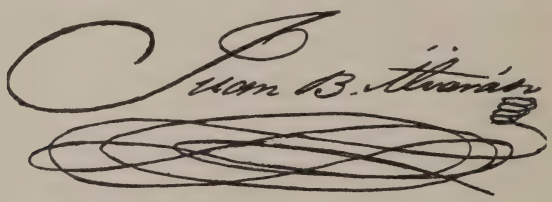
[2] That is what the mission despoilers were pleased to style a missionary establishment after the confiscation. With all others it remained a mission simply.

[3] "El hecho de haber yo sido recibido por el Presidente de las Misiones del Sur con todos los honores, que segun ley solo debian tributarse al gobernador del territorio, me valió mas que una victoria ganada sobre el campo de batalla." What gratitude Alvarado manifested in return for this act of generosity on the part of Fr. Durán will appear in time. See Appendix B.

[4] Alvarado, "Historia," Mss., iii, 205-210. Bancroft Collection.

ment had gone so far, as more likely to bring about peace and prosperity than would be the success of the southern faction with its radical sectional policy and wavering support." [5]

Alvarado furthermore relates: "Fr. Durán tried to have me make certain promises which I found myself unable to make, because the administration of the missions and the treatment of the Indians did not depend upon my will." [6] Mariano Vallejo [7] discloses the reason why the governor could not make the promises for which Fr. Durán petitioned in behalf of the Indians. "Such guarantees it was not within the



Signature of Gov. Juan B. Alvarado.

power of Governor Alvarado to grant, because in advance he had bound himself to Castro, Alviso and the other chiefs [8] of the popular revolt [9] to proceed at the opportune time to the secularization of all the property of the Indians in charge of the Rev. Fathers.[10] This agreement, as yet, was not publicly

[5] Bancroft, iii, 492.

[6] "El P. Durán, que al principio de la entrevista habia tratado de arrancarme ciertas promesas, que no me hallaba en el caso de hacer, pues el manejo de las misiones y tratamiento de los Indios no dependia de mi arbitrio." From first to last, then, the Fathers looked to the interests of the Indians. This may have been the motive for Alvarado's solemn reception.

[7] "Historia," Mss., iii, 247. Bancroft Collection.

[8] among whom Vallejo, of course, as will be seen presently.

[9] conspiracy of a few unscrupulous youths, rather.

[10] "Tal garantia no estaba al alcance del Gobernador Alvarado conceder, porque de antemano estaba comprometido con Castro, Alviso, y demas caudillos del movimiento popular á proceder oportunamente á la secularizacion de todos los bienes de los Indios, que los Rev. Padres administraban." A candid confession of the arch-conspirator against the Indian missions for which we are exceedingly grateful, as it confirms our conviction that a conspiracy for the extinction of the Indian missions indeed existed.

known, and the times then were not the most suitable for publishing it;[11] nevertheless, be it that Alvarado considered himself stronger than he was in reality, or that he was dominated by his proverbial candor, he did not want to lower himself to the extent of telling a lie.[12] This much is certain that, at said conference, *he drew aside the veil from our*[13] *projects,* and by this untimely action he more than was necessary frightened the persons who were speaking with him; for, of course, they were shocked at hearing what fate was decreed to the missions,[14] but they had the good sense to see that they were powerless to resist the youthful commander, who could count upon the avowed support of the whole northern part of the state, and upon the middle class of the population in the south.

"When Fr. Durán saw that there was no remedy for the evil, he addressed himself to Alvarado, and in a voice full of emotion said to him that he should bear in mind that a violent radical change would be the cause of grave disturbances; that he should consider the rights which protected the Indians and their guardians; and, in fine, that he should not relegate to oblivion that he had an immortal soul which in the life to come would have to render an account of his worldly acts to the Creator. Alvarado was touched at the words of the venerable old man, and he assured him that he had no attachment for riches, but that he had promised to secularize all

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[11] "Ese convenio no era aun del dominio publico, y los tiempos no eran entonces los mas á proposito para divulgarlo." Hence a secret conspiracy did exist against the missions, as was evident since the time of Gov. Victoria, who was hounded out of the country for no other reason than that he refused to be a party to the machinations.

[12] Vallejo had less scruples to lower himself to that extent.

[13] "nuestros." Vallejo here confesses to have been one of the clique.

[14] "Lo cierto es que en esa conferencia (Alvarado) descorrió el velo de nuestros proyectos, con cuya accion intempestiva asustó mas de lo que era necesario á las personas que con el estaban confabulando. Por supuesto se estremecieron oyendo la suerte que les estaba decretada."

the missions [15] because he was convinced that this act would redound to the benefit of all inhabitants,[16] including the missionaries themselves, who would see themselves relieved of the heavy burden of the temporalities which they had renounced on various occasions,[17] notably in 1829; that the Indians would be transformed into industrious and independent citizens; [18] and, finally, that the young State of California would give to the world an example of morality in that it would take upon itself to provide for the sustenance of all the ministers of the altar." [19]

Alvarado in this connection describes another incident which, but for the clearheadedness of Fr. Narciso Durán, would have produced bloody strife and plunged California into a war with Mexico. "The day after the conference with Fr. Durán," Alvarado writes, "I took leave of said Father and proceeded on my way to the town of Santa Barbara. There I was received enthusiastically. Seeing the enthusiasm, I conceived the plan of raising there an essentially California flag. With that end in view I had a Mexican banner brought to my room. Across the white field of this flag I painted the letters 'Independencia de California.' [20] I then sent for Lieu-

[15] "que habia prometido secularizar todas las misiones," that is to say, he had bound himself to his fellow conspirators to confiscate the missions.

[16] So the benefit of the inhabitants, rather of his friends, not justice, nor the rights of the Indians, decided the question.

[17] "que ya en distintas ocasiones y muy notablemente en 1829 habian renunciado." Alleged historians, who still follow Bancroft, will please take notice. Here is testimony from one of the conspirators that the missionaries did offer to surrender the management of the property, and that, therefore, it is wicked to persist in accusing them of refusing to cede the missions in order that they might enrich themselves.

[18] What kind of citizens the paisano chiefs made of the Indians is a matter of history.

[19] Vallejo, "Historia," iii, 247-249. How this paisano state provided may be seen from the present work.

[20] "Concebí el plan de hacer flamear en Santa Barbara una bandera esencialmente California. Con tal fin hice traer á mi cuarto un pabellon Mexicano; en el blanco de ese pabellon con letras de molde y pincel escribí las palabras 'Independencia de California.' "

tenant Piña and Sub-lieutenant Benito Díaz. I said to them: 'One of you will bear this flag to Santa Barbara Mission. There you will deliver it to Fr. Durán in order that he may bless it in the church. The other will carry in his hand a skyrocket. When the flag is blessed, he will fire the rocket so that I may know that we now have a flag of our own. As soon as I shall see the rocket, I shall call out all the troops and the people, and I shall proceed to meet you two, who, without a single moment's delay, will hasten at full gallop towards the town, the instant Fr. Durán shall have blessed the new flag.'

"Díaz as well as Piña showed themselves quite willing to go. Accompanied by a guard of honor they reached the mission in less than an hour. There Officer Piña solicited an interview with Fr. Durán. The two entered the room reserved for his Reverence, while Benito Díaz, rocket in hand, remained outside on a spot suitable for giving the signal when his companion should appear at the door of the church with the flag unfurled. The interview with Fr. Durán did not last long, for his Reverence explained that, while no one in California surpassed him in patriotism, he feared to take any step that could compromise the future well-being of the friars of the Order in the whole dominion of the Mexican Republic. Officer Piña made some efforts to induce Fr. Durán to change his mind, but failed; for it is well known that, once the friars make up their mind, they do not change it at every gust of the wind.[21] I felt sorely disappointed to see my project shattered; nevertheless, I did not lose hope, later on and under more favorable circumstances, to induce Fr. Durán to embrace my ideas. The refusal of Fr. Durán to second a project essentially my own was not known to the officers and soldiers who came along in the expedition." [22]

On January 6th, 1837, the town council and the people of Santa Barbara solemnly took the oath of allegiance to the new government of Alvarado. After the usual amount of

[21] "pues bien sabido es como los frailes cuando forman un proposito no lo cambian á cada soplo del viento."

[22] Alvarado "Historia," iii, 205-210.

parleying, corresponding, grimacing, and threatening, Los Angeles also yielded.[23] Alvarado with his "army" of one hundred and ten men finally entered the city on or about the 23rd of January. Leaving José Castro with thirty men to garrison San Gabriel, the governor returned to Santa Barbara.[24] There, on March 5th, he summoned the California "congress" to assemble in order to open the sessions on the 25th of the same month. The four new representatives elected, says Bancroft, seem to have been Pio Pico and Antonio M. Ósio in the south, Manuel Jimeno Casarín and José Ramón Estráda in the north. Pico and Ósio refused to attend, and so the deputies were unable to organize until April 11th, when, besides the acting governor, there were present José Antonio de la Guerra, Antonio Buelna, of the former body, Jiméno, Estráda, and Francisco X. Figueroa, the latter from San Diego, perhaps as substitute for the disgruntled Pico. These members unanimously approved the late transactions, and, agreeably to the compact which Alvarado on January 26th had made with the Los Angeles council, in order to pacify the Ósio, Pico, and Bandini gang, decreed that the governor should petition the Supreme Government of Mexico to reestablish the federal system, and to recognize California as one of the states in that union, free to administer its own internal affairs. However, the town council of Los Angeles, on April 18th, repudiated the action of the Santa Barbara congress of April 11th. San Diego remained non-committal. After some strong language on the part of Alvarado, who intimated that he would use force, the recalcitrant ayuntamiento eventually "recognized the present system of government without prejudice to the laws in force as decreed by the legislation of Mexico." Thereupon, May 10th, 1837, the governor in a long and grandiloquent *mani-*

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[23] Juan José Rocha, commander of the southern forces, raved like a madman at the outcome, and declared that in the future he would take a barber along to bleed him in the campaigns, since it was the only way ever to see blood in California wars. Bancroft, iii, 499, note 30.

[24] Bancroft, iii, 491-501; Hittell, ii, 239-240.

*fiesto* congratulated the people at large on the success of the new system of government.[25]

Scarcely, however, had he reached Monterey, when, May 30th, despatches notified him that fresh troubles had arisen in the south. Pio Pico, who remembered that for a few days he had been called civil governor,[26] and Juan Bandini, who had represented California in the Mexican Congress,[27] could not brook the idea that the youngest of the gang, which had "freed" the Indians from priestly control, should stand at the head. They accordingly again stirred up disorder. More brave talk, more making of faces at one another, and more resolutions to die rather than to yield, followed. Bandini was especially determined with pen and mouth. This had the effect that the fire-eating José Castro, in his hurry to escape with his troopers from the wrath of the southerners, was said to have left some wearing apparel behind.

Meanwhile, Andrés Castillero, who had come it seems with Chico, but had departed with Gutiérrez, returned and arrived at San Diego with the Mexican constitutional laws of December 29th, 1836, which restored the Federal Constitution of 1824. Under these, Alvarado, as senior member of the legislative assembly in point of time, would only be temporary governor. As he agreed to take the oath in that capacity, and as the southerners had been clamoring for the restoration of the old order of things, no pretext for opposition remained. All therefore yielded to the inevitable. Alvarado, accordingly, on July 9th, 1837, sent out a proclamation announcing that peace had been at last effected, and then closed as follows: "The department of California can henceforth be governed only by a native or a citizen. Yes, friends; the enthusiasm and pleasure which you feel on receiving such news is well founded. I share your pleasure, and close in order that you may no longer have to restrain your joy. Give it free course, and shout with me—Viva la Nacion!

[25] "Cal. Arch.," Dep. St. Pap., Angeles xi, 395-402; Bancroft, iii, 501-510; Hittell, ii, 241-242.

[26] See preceding volume, sect. ii, chap. iv.

[27] See preceding volume, sect. ii, chap. xii.

Viva la Constitucion del año de 1836! Viva el Congreso que la sancionó! Viva la Libertad! Viva la Union!" From this date, July 9th, says Bancroft, Alvarado may be regarded as legally the governor *ad interim* of California, his revolutionary term ending with his new oath.[28]

Nevertheless, Alvarado looked with trepidation to Mexico. What would the Supreme Government decree when the reports of the California upheaval reached the capital? He resolved to send an agent thither in the person of Captain Castillero in order to prevent the sending of troops, to defend his acts as governor, and to obtain a confirmation of his title, together with that of general for Mariano Vallejo, who now had no standing, save as lieutenant in the Mexican army. "It is not very unlikely," says Bancroft,[29] "that he carried with him a moderate sum of money to be placed 'where it would do most good,' else, knowing much of Mexican methods, he would hardly have been so confident of success."

Let us now see what transpired in Mexico meanwhile. As was related on page 606 of volume iii, Fr. Comisario-Prefecto García Diego of the Zacatecan friars in the north, urged by Fr. Presidente Narciso Durán of the Fernandinos, had proceeded to the capital for the purpose of personally informing the Supreme Government on the deplorable condition prevailing in California, and proposing the appointment of a Bishop. He arrived there in June and immediately presented two memorials. One bore the date of June 26th, the other was dated June 27th, 1836. Both will be discussed in their proper place later. On receiving Fr. García's memorials, the Government availed itself of the opportunity of obtaining reliable information on the state of affairs in a territory about which many wild stories had been circulated. He was asked to give his views especially on a report which a certain Colonel Ig. Miguel Martínez[30] had forwarded to the Central

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[28] Bancroft, iii, 515-530; Hittell, ii, 242-244.

[29] "California," iii, 531.

[30] Possibly the same who had been appointed governor of Lower California. See vol. i, 590.

Government. Fr. Diego complied, and on July 20th, 1836, returned the following highly interesting document:

"The Infórme," he wrote, "which Colonel Ig. Miguel Martínez has sent to the Supreme Government on the political disturbances in Upper California, and which Your Honor transmitted to me in order that I report what I know on the subject, in the main, contains four points: 1. The charge that Don Figueroa's death was caused by poison. 2. The rule of Nicolás Gutiérrez and the charge that his death was brought about by Lieutenant Guadalupe Vallejo.[31] 3. The insurrection in Upper California while Figueroa still lived. 4. The means I advise taking to insure permanent order in both Californias." [32] After denying that Figueroa had been poisoned, and stating the true cause of the late governor's death, as we have related in volume iii, page 605, and after describing the wrangle on the part of the Californians for the office of governor, Fr. García continues with regard to the death of Gutiérrez:

"On November 17th, 1835, we set sail for San Diego, and, in the beginning of December, I heard at said port the story which Colonel Martínez repeats in his report on the death of Gutiérrez and the manner in which it had been effected. No one there believed the story. Much less was it credited at the end of the month, when the despatches and other mail from Monterey arrived on the brigantine *Catalina,* and neither its captain, Don Francisco Snook, nor the private letters mentioned the story. In January we sailed from San Diego for this capital. Whether afterwards this awful deed was committed, or whether Colonel Martínez has later informa-

[31] The "Grand Capitan" or "General," as Mariano Vallejo loved to be called, thus far held only the rank of lieutenant in the Mexican army.

[32] "1. La muerte del Sr. Figueroa causado por un veneno. 2. El mando del Sr. Don Nicolás Gutiérrez, y la muerte de este dada por el Teniente Don Guadalupe Vallejo. 3. La insurreccion de la Alta California desde que vivía el Sr. Figueroa. 4. El medio que consulta para asegurar ambas Californias, arreglar y establecer el Orden en aquel Pais."

tion on what he reports, I do not know,[33] and therefore proceed to the third point, the insurrection in California."

Fr. Diego dwells at some length on the revolt which about fifty Sonora immigrants under Antonio Apalátegui and Francisco Tórres started at Los Angeles against Governor Figueroa in the spring of 1835. No one was hurt, and it soon collapsed for want of assistance from the people of Los Angeles; but it caused the governor to make the long journey south which hastened his death.[34]

Of those Sonorans in California Fr. Diego says, "I am very far from wanting to defend the conduct of those wretches. I know from reports that many of them are indeed very immoral, so much so that, as they have been described to me, it appears they must be the most despicable and vilest dregs of the west. With regard to the foreigners who live there, I must say in justice that among them are good and bad; neither are all vicious and hostile to our country, nor all virtuous and blameless; but they are, as far as I have observed, attached to the government, and determined to uphold our institutions. If we must judge men from their actions, we must regard those in the territory to be faithful, peaceful, and obedient to the laws. What revolutions have the foreigners living in California started till now? How have they conducted themselves in the convulsions that have taken place there?[35] In 1831, they stood by the government with their weapons; they bore military hardships, and they had a great share in the defence of Monterey in order to preserve peace and the obedience due to legitimate authority against the pre-

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[33] Of course no one would believe such a story of Vallejo, but for once he who freely attributed any crime to friars, or could find nothing but sinister motives in the friars and those who had incurred his displeasure, was treated to a dose of his own medicine. Bancroft, iii, 448, says he knows not what became of Gutiérrez after his departure from California, but later (p. 466), in "Doc." xxxii of Vallejo, he finds that Gutiérrez on April 21st, 1837, wrote from Mazatlán to Joaquín Gómez.

[34] See vol. iii, this work, p. 604.

[35] "Que revolucion han hecho hasta ahora los estrangéros, que habitan las Californias?"

tensions of its enemies, who were not the foreigners, not the Sonorans, *but native sons of California,* and some Mexicans.[36] In the last upheaval at Los Angeles no foreigner took part, and, from what I heard, they were ready, if necessary, to take up arms in defence of Don Figueroa, because he was the civil ruler whom they respected. These are indubitable facts known to all. Why then should these foreigners be maltreated as traitors who intend to rise against our government, and seduce those inhabitants, when no instance in their political conduct convicts them or convinces us of this baseness and ingratitude towards a nation that generously takes them to her bosom and furnishes them the means of subsistence? If others, as for instance, the Texans, have branded themselves with this mark of infamy,[37] I do not consider this an argument which proves that those who inhabit California will do likewise.

"I cannot deny that much immorality exists there, and that it is spreading daily more and more, as well on account of the bad example of those who went thither from here,[38] as on account of the observation that the guilty there go unpunished. I also confess that a corruption of such a degree may result in such lamentable consequences that in time, perhaps, they may be irremediable. I do not forget that without morality there are no virtues, without virtues no obedience, without this no respect for laws or government, and that without this respect and submission there can be no society.

[36] "En el año de 1831 (this was under Victoria) ellos (estrangeros) con las armas sostuvieron al gobierno: ellos hacían las fatigas militares, tuvieron mucha parte en la defensa que se hizo por Monterey para conservar el orden y obediencia debida á la autoridad legitima contra las pretensiones de los enemigos de esta, no estrangeros, no Sonoreños, **sino hijos y nativos de California** y algunos Mexicanos." Fr. Diego was himself a native Mexican; all the more reason why the foreigners, especially the Americans, should gratefully remember the future first Bishop of California.

[37] American settlers had caused the revolt and the independence of Texas. Hence there was much bitterness against them in Mexico.

[38] Gutiérrez and Chico had openly led immoral lives, and those whom they had brought from Mexico were of similar mould.

I know all this, and for that same reason I must fear that, in the course of time, if this state of things is not remedied, there will come upon that beautiful land incalculable evils, the very thought of which ought to horrify us. Yet, for the present, I am not so pessimistic, nor do I believe the measures proposed by Col. Martínez necessary.

"He wants the Supreme Government of the nation to send four hundred men in order to secure that territory and to restore the order which he supposes destroyed. He wants the nation to undergo enormous expenses at a time when it is in the worst straits and lacking funds; or he wants these soldiers to go thither to aggravate the miseries which on account of recent innovations are suffered by the missions. I have seen with mine own eyes that, in order to support the less numerous troops there, it has been necessary to sacrifice the missions. How then will so many more soldiers be maintained?" Fr. Diego then argues at some length against the sending of so many troops as not only absolutely unnecessary, but even harmful.

"What I venture to advise the Supreme Government," he continues, "for securing that country and for the general good is: 1. A governor who loves order, and who has given proofs of his own well-ordered conduct, who is an enemy of vice, and who would prudently strive to remove vice from among those poor people. 2. This official should take along one hundred picked men, who should go there not to still more demoralize said poor people; moreover, they should be maintained by means of the revenues of the customhouse. 3. When these soldiers have installed themselves, many of those stationed there heretofore, who on account of their vices have already proved incapable of stemming demoralization, but rather promote it, should be returned hither to Mexico. . . . God keep Your Honor many years.[39] Mexico, July 20th, 1836." [40]

[39] Fr. Diego had dropped the Mexican formula "God and Liberty," and readopted the old Spanish style "Dios guarde á V. S. muchos años," which had a more Christian sound. See vol. iii, sect. i, chap. xii.

[40] Fr. Diego to Mexican Government. "Sta. Barb. Arch."

Unfortunately, Mexico itself was in a state of ferment and disorder. The administration which happened to be at the helm had its hands too full to worry about California. Santa Anna had recently been defeated in Texas and even taken prisoner. In comparison with Texas, the western territory, after all, seemed to be of small account; it was therefore allowed the luxury of imitating the mother country in having frequent revolts, provided the allegiance were maintained. José Antonio Carrillo, the outgoing member of Congress for California, took advantage of the circumstances. Persuading Bustamante, who had become President of Mexico on April 19th, 1837, that, in order to insure the tranquillity of the territory on the Pacific Coast, it was but necessary to appoint a native son, he proposed his brother Carlos Carrillo of San Buenaventura for the post of governor. Carlos was accordingly appointed on June 6th, 1837. José Carrillo hastened to leave the capital two days later, and from Tepíc notified Alvarado. The latter received the news of the unexpected failure of his plans, as well as a letter from Carlos Carrillo to the same effect, on October 30th, 1837.

Alvarado was at first disposed to surrender the office, which he held only by the grace of his confederates in the territorial assembly, and, in a proclamation of October 31st, so informed the people. "The whole department," said he, "may be sure that on receiving the slightest intimation from the Supreme Government I shall deliver the command to the nominee." [41] As he had not been recognized, even indirectly by the receipt of any document, this was expecting something out of the ordinary. On November 3rd, he notified the town councils in due form, and spoke of "the nearness of the time when I shall deliver the command to Carrillo." [42]

Nevertheless, Alvarado asked Carrillo to delay assuming the governorship until he should receive word from Mexico in answer to his last communication. Vallejo also wrote to Carrillo urging delay. Carrillo, on the other hand, could see no reason for postponing to enter upon the duties of an office

[41] Bancroft, iii, 534-537.

[42] Bancroft, iii, 537-538.

to which he had been appointed by the Mexican President, and therefore declined an interview with Alvarado or any delay in the transfer of the office. Meanwhile Los Angeles, which rejoiced in the defeat of Alvarado's aspirations, invited the new governor to establish his government in that city, which he had pledged himself to make the capital. Carrillo complied, and on December 6th, 1837, took the oath of office before the town council. Holy Mass was offered up and a *Te Deum* followed in honor of the event. The enthusiastic people then proceeded to their new governor's house to shout their *Vivas* and tender their congratulations. The southern clique were highly delighted, but by establishing his residence in the rival city he lost whatever support he could have expected at Monterey and in the northern section, and thus strengthened the cause of Alvarado and his confederates. The action at Los Angeles was ratified at San Diego on December 9th. The new governor issued an address to the people after the usual style. The purport of it was: "The end of all our troubles has come; the political sea is calm; nothing but happiness is ahead. Your wishes are fulfilled now that a Californian rules California. It was my brother who brought us the gift of peace and my appointment; but for his intercession, a thousand bayonets would now gleam on our shores.[43] I recognize my own unworthiness, but I trust in your cooperation. Let us be united, asking Heaven's blessing." [44]

Instead of peace and happiness, California now witnessed between the chief paisanos a struggle which may not inaptly be likened unto the fight of the famous "Kilkenny Cats." One side was marshaled by Alvarado, who refused to surrender the governorship to the appointee of the Supreme Government. He was upheld by the northern section. On the other side, stood the lawful, but weak-kneed, new governor Carlos Carrillo, aided by the southern clique under Pio Pico

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[43] The Mexican Government had already issued orders for sending 1000 men to California to quell the Alvarado revolt.

[44] Vallejo to J. A. Carrillo, March 12th, 1838. "Cal. Arch.," Dep. St. Pap. iv, 411-414; Bancroft, iii, 538-540.

and Juan Bandini. Excepting the loss, through accident, of one of Castro's men at San Buenaventura, no blood was spilt. The "army" on either side scarcely exceeded a hundred men.[45] The war, as had been customary among the paisanos, was carried on chiefly by means of tongue and pen. It also gave the leaders a chance to make display of a glittering uniform, martial shako, and mighty trailing scabbard, in short, to impress women and children. It was a question, which party could keep up boastful talk the longest. Therein the northern "army" surpassed the southern chiefs. The latter, Pio Pico included, one day even found themselves prisoners, and transported to the headquarters of Mariano Vallejo at Sonoma. Bandini escaped.

Then happened what seemed inconceivable. Andrés Castillero, in Mexico, had labored successfully for his patrons Alvarado and Vallejo. In November 1838 he brought a decision from the Mexican President to the effect that Alvarado, who since November 1836 had been in revolt against the Supreme Government, was recognized as temporary civil governor on the ground that he was the senior member of the territorial assembly. As a balm, and in consideration of their patriotic services, Carlos Carrillo and José A. Carrillo were given one of the Channel Islands, and they eventually secured possession of Santa Rosa Island. A general amnesty completed the satisfaction of all those concerned, outside the Pico-Bandini clique which continued troublesome.[46]

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[45] Castro congratulating Alvarado, April 8th, 1838. "Cal. Arch.," Dep. St. Pap. iv, 440-441; Bancroft, iii, 553.

[46] Bancroft, iii, 539-580; Hittell, ii, 245-254; Alvarado to the Los Angeles Ayuntamiento, December 10th, 1838. "Cal. Arch.," Dep. St. Pap. xi, 506-507. Alvarado was appointed "gobernador propietario," August 7th, 1839. Minister of Interior to Alvarado, August 7th, 1839. "Cal. Arch.," Dep. St. Pap., Monterey iv, 60-62. "It would be interesting to know what the Indian population thought, as they watched these quarrelings and intrigues among the Christians who were held up as patterns" (H. H. Jackson, "Glimpses of California," 72), rather, who held themselves up as "enlightened" and therefore emancipated from the obligation of observing Christian laws. See preceding volume, 366-373.

"This weak, undignified conduct," says Gleeson,[47] "in recognizing and confirming the power and authority of a rebel, is sufficient to indicate to the reader the impotent state of the (Mexican) republic at the time." Alvarado himself appears to have had some political scruples about taking compensation for the period of his revolt. "In demanding his salary," Bancroft remarks, "Alvarado seems to have dated his taking possession of the office from October 1st, 1838." [48] He certainly was not the lawful governor before that date, or before July 20th of that year when the Minister of the Interior addressed him.

What of the friars during these two years of turmoil? On learning that Carlos Antonio Carrillo had been appointed governor, Fr. Moreno, vice-prefecto of the Zacatecan Franciscans in the north, by means of a circular dated December 14th, 1837, notified his subordinates that said appointee should be recognized.[49] Fr. Durán and his Fernandinos of the south kept silent, at least there is no official expression extant. When, however, the Mexican President finally acknowledged Alvarado, it behooved the friars to manifest their submission. Fr. Durán accordingly congratulated Alvarado on December 17th, 1838.[50]

In the north, Fr. González Rúbio of Mission San José, presidente of the Zacatecan friars, on November 30th, 1838, thought it expedient to flatter the well-known vanity of Mariano Vallejo in this fashion: "With the greatest satisfaction I have received the official notice of the 21st instant, in which Your Honor has the goodness to communicate to me the appointment as commander-general of this department which the Supreme Government of the nation has deemed good to bestow upon the well deserved person of Your Honor. No sooner had this happy event come to our knowledge than we

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[47] "Catholic Church," ii, 148.

[48] "California," iii, 577.

[49] "da á reconocer como gobernador del departamento á Don Carlos Antonio Carrillo."—"Circular," Libro de Patentes, San Antonio, 162-163.

[50] "Archb. Arch.," no. 2222.

solemnized it immediately with the joyous ringing of the bells, repeated salutes of the artillery, innumerable skyrockets, and especially with a Solemn High Mass and *Te Deum* in thanksgiving to the Almighty, beseeching Him at the same time for thousands of celestial benedictions for the welfare and happiness of Your Honor. I, General, cannot but congratulate myself for being allowed to offer Your Honor my most cordial felicitations, and to congratulate you for such an honorable promotion, which, doubtless, will afford a wide field in which to give vent to the patriotic love which animates you." [51]

We have dwelt upon the political affairs at some length in order that the reader may have a clear view on the question as to who were the rulers and legislators that killed the Indian missionary establishments in California. We may now proceed with the main subject.

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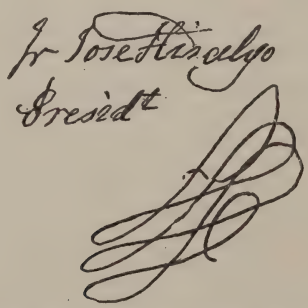
[51] Vallejo, "Documentos," v, 258; "Papeles Originales," Misiones, ii. Bancroft Collection.

## CHAPTER V.

Changes Among the Friars in Mexico and California.—Fr. Durán Takes the Oath of Allegiance to Mexico.—Hittell's Silly Tirade. —The Missionaries and Their Wards.—Fr. García Diego's First Memorial.—What Became of the Customhouse Revenues?— His Second Memorial.—Spiritual and Temporal Success of the Missions down to 1832.—Number of Missionaries.—Recommends Appointment of a Bishop.—The Government Accedes to the Proposition.—Diocese of Both Californias Created.—The California Freebooters Confiscate the Last Two Missions.—How the Missions Were Mulcted.—Vallejo in Debt to a Mission.—Paisano Chiefs Offended.—Vallejo's Overbearing Manners.

DESPITE the most unfavorable conditions prevailing in Mexico, the poor friars at the once flourishing missionary College of San Fernando contrived to keep up their organization. Fr. José Maria Guzmán, who had been chosen guardian at the chapter of June 16th, 1832, resigned in order to plead the cause of the beatification of Fr. Antonio Margíl, O. F. M., at Rome. Fr. José Maria Hidalgo was elected in



Signature of Fr. José Maria Hidalgo.

December 1833 to fill out the term; but in 1835 no chapter could be held on account of the turbulent times. Fr. Hidalgo, therefore, continued as presidente until the chapter of December 3rd, 1836, when he was elected guardian for the next term of three years. On the same occasion Fathers Ildefonso Arreguín, Joaquín Taboáda, Pedro Cabót, and Marcos An-

tonio de Victoria were elected discretos or councillors.[1] The two last-named Fathers were missionaries in California. They never became aware of the honor bestowed upon them, for the reason that both passed away to everlasting rewards long before the report reached the missions, Fr. Victoria at Mission Santa Inés on July 25th, and Fr. Cabót at Mission San Fernando on October 11th, 1836.[2]

The office of comisário-prefecto, which since 1830 had been held in Mexico by Fr. Ildefonso Arreguín, now returned to California. The change must have been effected at the same chapter of December 1836, although the official notice failed to arrive till the fall of 1838.[3] At all events, in a letter of October 8th, 1837, Fr. Arreguín addresses Fr. Durán "M. R. P. Comisário-Prefecto Fr. Narciso Durán."[4] Fr. José Joaquín Jimeno must have been appointed presidente at the same time, though he, too, could not inform Governor Alvarado of his promotion until November 26th, 1838. In virtue of his position as presidente, he was also vicar-general of the Bishop of Sonora.[5] Fr. Durán's "patente" arrived even later, if we may judge from the date on which he notified Governor Alvarado that the College had elected him comisário-prefecto; for his letter is dated Santa Barbara, December 17th, 1838.[6]

Some noteworthy changes also took place among the Zacatecan Franciscans in the north. When as early as March 15th, 1835, Fr. Comisário-Prefecto García Diego informed the Col-

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[1] "Tabula Capitularis," December 3rd, 1836. "Sta. Barb. Arch."

[2] Mission Registers of Santa Inés and San Fernando.

[3] Fr. Durán's marginal note to the "Tabula Capitularis."

[4] Fr. Arreguín to Fr. Durán. "Sta. Barb. Arch." The surmise is corroborated by the Patente which the chapter of April 20th, 1844, issued. Reappointing Fr. Durán, it says: "Expleto sexennio Commissariatus et Praefecturae, Revdus Pater Frater Narcisus Durán a praefata necessitate compulsus, religiose et laudabiliter Missionibus praedicti Collegii in Alta California existentibus ultra praefuit annum circiter et dimidium."—"Sta. Barb. Arch."

[5] "A cuyo cargo por disposicion de la Mitra de Sonora está anexa el de Vicário Foráneo." Fr. J. J. Jimeno to Alvarado. "Archb. Arch.," no. 2220.

[6] Fr. Durán to Alvarado. "Archb. Arch.," no. 2222.

lege of Guadalupe, Zacatecas, that he intended to visit Mexico in the interest of the missions, Fr. Guardian Mariano Sósa and the discretos appointed Fr. González Rúbio of Mission San José presidente in place of Fr. Rafael Moreno. The latter was named vice-presidente.[7] Before embarking, however, Fr. García Diego made Fr. Moreno vice-prefecto. Fr. Rúbio wanted no office, and therefore resigned. Fr. Moreno thus in his person again united the offices of presidente and vice-comisário. In the latter capacity he enjoyed the privilege of administering the Sacrament of Confirmation, and exercised it for the first time at Santa Clara on Sunday, November 8th, 1835.[8] At the College chapter, June 17th, 1837, Fr. Francisco Fréjes succeeded Fr. Sósa as guardian for the next three years. Two days later, Fr. González Rúbio was again named presidente of the Zacatecanos in California, and Fr. García Diego, still comisário-prefecto for the missions, but residing at the College, appointed him vice-comisário. In communicating the official notice Fr. Diego warned Fr. González that no resignation would be accepted this time, and that he should fortify himself with patience, obey, and give glory to the Lord.[9]

In this connection it may be noted that, Spain having on December 28th, 1836, acknowledged the independence of Mexico,[10] Fr. Durán and the surviving Spanish friars offered to take the oath of allegiance without delay, though he had no official notice of Spain's action. Writing to acting-governor Alvarado under date of July 8th, 1837, the venerable

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[7] Fr. Sósa to Fr. Rúbio, June 24th, 1835. "Sta. Barb. Arch."

[8] See preceding volume, p. 606. Register of Confirmation, Sta. Clara.

[9] "Circular" of Fr. Vice-Prefecto Moreno, December 14th, 1837. Libro de Patentes, San Antonio, 162-163; ibidem "Circular," November 15th, 1838; Fr. García Diego to Fr. Rúbio, June 19th, July 27th, 1837. "Sta. Barb. Arch." In his letter of July 27th, 1837, he cuts off every excuse by saying: "Para que no suceda lo que con la anterior Patente, te mando esta por conductor del R. P. Durán, á quien encargo la ponga en tus manos con toda seguridad. Armate de paciencia, obedece y da gloria al Señor." This indicates a most intimate relation between Fathers Diego and González Rúbio.

[10] Alaman, "Historia de Mejico," v, 865.

SAN DIEGO (OLD TOWN) IN 1846. (By Major W. H. Emory, U. S. A. See p. 577.)

Fr. Presidente says: "Since it is evident from the newspapers that the Spanish Nation represented by its Cortes has recognized the right of Mexico to her independence and national sovereignty, I consulted with the three Fathers who happened to be with me; and, inasmuch as they thought it lawful to take the oath on the Central Mexican Constitution in virtue of said recognition of her right, I am prepared, as are said Rev. Fathers also, to swear to this Central Mexican Constitution to-morrow when I return from holy Mass at the presidio." [11]

Hence it was not the republican form of government, as Hittell raves, that impelled the missionaries to refuse taking the oath on the Constitution of 1824, which the Mexicans themselves abolished ten years later. The children of the Catholic Church, notably the members of religious Orders, are and must be loyal to any government under which they live. The form is immaterial. They will obey a Nero, let him be called president or wear a crown, as long as he refrains from commanding anything against the laws of Almighty God. That is an historical fact. What then must be said of an historian, who in connection with the self-sacrificing missionaries of California launches out in a tirade of which the following sentences are specimens: "The (Catholic) Church, as a Church, never did and never consistently could and, as long as it remains such a Church as it is, never consistently can foster or favor liberty. . . . The missionaries would have accepted an American emperor, or a royal government of almost any kind . . .; but a republic looked to the people as their own governors and contemplated an

[11] "Constando por los papeles publicos, que la nacion Española representada en sus Córtes ha reconocido de derecho la Independencia Mexicana y su soberania nacional, y habiendo tomado parecer á los tres Padres que actualmente se hallan en mi compañia, y dicho qué les parecia que se podia licitamente hacer el juramento de la Constitucion Central Mexicana en virtud de dicho reconocimiento de derecho, me hallo en la disposicion de jurar esta Constitucion Central el dia de mañana, como tambien los citados Padres, en cuanto vuelva yo de la Misa del presidio." "Papeles Originales," tom. ii. Bancroft Collection.

intelligent people, who would think for themselves; and with such a people the Church was certain to be in great jeopardy. This they plainly perceived, and this was the cause why such men as Sarria, Durán, Cabót and, in fact, all the missionaries of strong and decided character, were rebels to the republican government." [12] "The liberty of thought and speech and the equality of rights, which lay at the bottom of the great contest [13] and which went on developing and increasing in length and breadth of liberality [14] every year, were incompatible with priestly tyranny and ecclesiastical domination." [15] Such stuff, even at this late day, is palmed off as history.

Most of the missionaries, exhausted from incessant toil and worry for their neophytes, enfeebled with age and infirmities, and disheartened at sight of the havoc wrought among their wards, had long ceased to struggle against overwhelming, pitiless odds. They adapted themselves to the new order of things as well as they might, and calmly waited for death to transplant them out of the reach of greedy, unscrupulous, and overbearing self-seekers to the land of eternal rest. Meanwhile they endeavored to induce their converts to be resigned to the altered conditions in the same spirit of Christianity with an eye to their destiny in the bosom of their Heavenly Father. That the poor friars succeeded but partially in keeping the Indians near, when they themselves possessed no means to meet the wants of the neophytes as of yore, is quite intelligible, and will be shown in detail when we relate the local history of each mission.

While the documents towards the close of the missionary period, therefore, become less numerous, they grow in im-

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[12] Hittell, ii, 525-526.

[13] Hittell must be absolutely ignorant of Mexican history to make such an assertion, or his foolish prejudice must have blinded him.

[14] Liberalism, which knows no liberality, that is to say, no considerateness for the views of other than "freethinking" partisans, has indeed been developing in Mexico ever since 1824, and has disgraced the country before the world to this day. Such is the result of the insanely anti-Catholic spirit of liberty-prating Liberalism. Hittell entertained queer notions of liberality, of equal rights, etc.

[15] Hittell, ii, 383.

portance and general interest. The ever alert and able Fr. Comisário-Prefecto Narciso Durán, though aged and tortured with the gout, will be sure to rise, when occasion calls for it, as the fearless and unanswerable champion of the Indian cause. Fr. García Diego in Mexico also took up the cudgel for the same purpose. His arguments are not so incisive as Fr. Durán's, in that they appeal more to the heart and suppose a sympathetic government. We shall have to let the Father in Mexico speak first. It was while the malodorous Chico played his antics in California that Fr. García Diego at the capital, besides preparing the report quoted at the beginning of the preceding chapter, in two memorials described the situation in California as he knew it from personal observation. In the first, dated June 26th, 1836, he tells Don Joaquín de Iturbide, Minister of Ecclesiastical Affairs in the Corro administration:

"The evils which the missions of Upper California suffer, and those that never come to the notice of the Supreme Government, unless they appear to endanger loyalty, are just those that have brought me to the capital. . . . Since the year 1810, those missions have borne the cost of maintaining the troops. During these years demands have been so excessive that, if the drafts for the goods taken from said missions could be cashed, the Government would be astounded at sight of the sacrifices which the poor missionaries and the unhappy neophytes have made. It would seem that in the missions they labor only for the military.[16] Exhibit One, which accompanies this, will demonstrate to Your Honor what in a single year the missions in my care[17] have contributed with injury to the legitimate owners, the Indians,[18] who perspired for it, have acquired it, and stored it to cover their own needs. It is exceedingly hard for the poor missionary to have to make the unfortunate Indian groan under the burden of labor without any recompense whatever, in order that

[16] "parece que solo para los militares se trabaja en las misiones."

[17] the missions in the north from San Antonio to Sonoma.

[18] It will be observed that the friars always insist on this ownership of the Indians. For themselves they never claimed anything.

others may have the advantage of his toil.[19] It is equally painful to the Indian to see the goods taken away without the returns which he ought to expect. He understands this wrong, he reflects upon it, and he expresses his thoughts, and many times he complains to us;[20] but we, what shall we do? What can we do? We have reported to the governor there, but without avail in most cases. The officials there even reproach us, hold us responsible for the tranquillity, and many times give us answers which tax our patience.[21]

"The governor could sometimes justly look to the missions for supplies, particularly since the Supreme Government has ceased to send the *Memorias* which annually used to come to the presidios, and for lack of which the soldiers suffer want; but always? throughout the year? during so many years without interruption? What is done with the revenues of the customhouse?[22] What is done with the duties paid by so many merchant ships which sell their wares there? I have myself been informed by ship-masters or supercargoes of the great sums which they had to pay. Witnesses are Antonio José Cot, supercargo of the frigate *Rosa,* Diego Scott, supercargo of the brigantine *Ayamucho,* J. M. Alfred Robinson,[23] supercargo of the *Peregrino* and the *Alert,* and others. Despite these revenues, in nothing is the condition of the missions improved, and the poor Indians have to continue contributing as before, as if there were not abundant receipts from the commerce with foreign vessels.

"It is true, Don Figueroa thought of establishing a na-

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[19] That is to say, the troops and officials.

[20] "Sensible es igualmente para el Indio ver estas extracciones, sin el fruto que debia esperar. El conoce este mal, lo reflexa, lo dice, y muchas veces se queja con nosotros."

[21] Representamos al gobierno de allá esto mismo; pero sin efecto las mas veces, por que nos urgen, nos hacen responsables de la tranquilidad, y muchas veces se nos ponen contextaciones, que exercitan nuestra paciencia."

[22] This question was often asked. If honesty and economy had prevailed, it could not have been necessary to lay the missions under contributions.

[23] He is the author of "Life in California."

tional rancho in the north, and another in the south, for the purpose of relieving the missions, as he assured me in an official letter which is Exhibit Two accompanying this. If these establishments succeeded,[24] recourse would not have to be had to the missions, and the missionaries would be content with the sacrifices made; but even if they did succeed, it is certain that the burdensome and frequent exactions would go on as ever; for even if they succeeded it would not be of account, because of the wretched state into which the missions have been plunged at the hands of the comisionados, who (with few exceptions) have ruined them.

"If in the brilliant circumstances in which they had been the missions could not meet so many exactions, how will they meet them now? I fear they may be suffering now from the demands which they can hardly satisfy. Can this be just? Can it be advantageous? I believe that Your Honor, moved by your judicial and noble sentiments, will be filled with bitterness, and be inclined to favor the Indians who are in every way unfortunate. I supplicate Your Honor in the name of the missionaries, of all the Indians, and of California, so much oppressed and injured, to be pleased to use your influence with His Excellency, the President, in order that he issue a command that neither the missionaries nor the Indians be molested in this matter.

"At all events, I do not guarantee the continuance of the friars in said missions.[25] Their days are passed in the deepest sorrow, and they have entreated me to permit them to retire, because they cannot endure so much merciless oppression.

"Likewise we supplicate that some energetic orders be issued to expedite the mail between Mexico and California. This is another evil which we suffer. In fact, when we see so many obstacles to reaching the Supreme Government or our College, it appears to us that we are banished, and suffering a civil death without having committed any crime. A year and a half went by before I found out who was the Fr. Guardian at our College; nor had we any news whatever from

[24] They failed utterly as could have been predicted.

[25] That is to say, the Zacatecanos in the north.

our country. If the mailing facilities were regulated I would have advised the Government in opportune time of the evils at the missions, evils which are excessive, and which it was impossible not to feel deeply. . . ." [26]

In his second memorial, Fr. García Diego briefly describes the mission system and daily routine, the life of contentment led by the neophytes under the care of the friars, and the happy results, all of which need not be repeated here. He then continues: "From this industry and solicitude the result was gratifying, and the progress in temporal and spiritual matters was exceedingly rapid. I should wish that Your Honor might see with your own eyes the great advance. It is enough to fill with heartfelt joy every one that loves humanity, his country, and those poor Indians. . . .

"I have before me a document which assures me that the number of souls baptized in Alta California down to the year 1832 reached 87,739.[27] The same authority gives the number of neophytes still living at the missions in that year, and receiving moral and civil instructions under the supervision of the missionaries, as not fewer than 16,864. Such a multitude of souls rescued from barbarism, instructed in Religion according to their capacity, cannot but excite sweet satisfaction in a paternal and Catholic Government, which I suppose to be animated with the desire for the salvation of those poor creatures.

"It must also arouse joy to know that in the twenty-one missions those same natives, formerly savages, are already, through the efforts of the missionaries, men who advance on the road to civilization more rapidly than we hoped, and this shows that they are susceptible of what it is desired to teach them. The workshops, which in that territory are to be

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[26] Fr. García Diego to Minister Iturbide, June 26th, 1836. "Sta. Barb. Arch." Iturbide acknowledged receipt of document by the President, October 17th, 1836; "Escrituras Sueltas" in the Archbishop's Archives.

[27] Compare with these figures the table for that year in Appendix J, preceding volume.

"WHO PRODUCED IT ALL? AH! THE POOR INDIANS, AIDED AND DIRECTED BY THE MISSIONARIES."

found among them alone, demonstrate this.[28] Some neophytes are shoemakers, others are blacksmiths, overseers, carpenters, ordinary laborers, stonemasons, gardeners, cooks, bakers, tailors, musicians, choir singers, etc. Then the church buildings and other buildings, the orchards, cultivated fields, and whatever useful thing that meets the eye! Who produced it all? Ah! the poor Indians, aided and directed by the missionaries; by the missionaries who, with their annual allowance and with the alms given them, procured the master mechanics and the necessary tools, implements, and material for all this; by the missionaries who personally labored with the neophytes in order to encourage them and remove the repugnance which they have and always had for every kind of work. Such is the aspect which those missions in Alta California present to the eyes of every one. Such is the progress made by some of the missions in sixty-six years, and others in a much shorter time, for there is one now only thirteen years old since its founding.[29] I firmly believe that with more missionaries as zealous and active as those who preceded us, there would be many more missions, and the gentiles would all be converted. Alas! The missionaries were wanting. Will it ever be as we hope? It will be necessary to look at the reverse of the medal in order to see what afflicts, distresses, disheartens us.

"There are in those missions thirteen Fathers from the College of San Fernando and eight from the College of Guadalupe, Zacatecas. The majority of the former are aged and infirm. They have sacrificed their years and their health for the welfare of the Indians. Hence we shall have the pain of seeing them go, ere long, to receive the reward for their apostolic charity. Those from Guadalupe are young, robust, and strong. These qualities alone help them to endure the laborious administration of ten missions, one pueblo,[30] and two

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[28] "Compróbanlo así los talleres, que entre ellos, y solo entre ellos se ven en aquel departamento." The colonists and soldiers preferred to idle away their days in gambling.

[29] San Francisco Solano.

[30] San José, near Santa Clara.

presidios,[31] besides the ranchos and a small village.[32] Would to God that we might keep even this small number of friars to preserve the missions! We should consider ourselves fortunate if we could count on all these religious; but, Sirs, within a short time we shall not have many of them, for it is certain that either through death, hastened by what they experienced in these last days, or through withdrawal to the College, a number of vacancies will occur. In that case, what shall be done? Who will fill the vacancies? The College of San Fernando? that of Santa Cruz, Querétaro?[33] that of Zapópan?[34] or that of Guadalupe? Impossible! They cannot provide missionaries for want of subjects. I see no other recourse, nor choice, for remedying these evils which agonize us save the one which I shall now propose.

"The only way to provide missionaries for California is the erection of a diocese whose Bishop will shoulder the labors and privations, and devote himself exclusively to the care and welfare of those souls.[35] This prelate, protected by the Supreme Government, will have to establish a college to which all the youths of both Californias may flock, as well as many of the Indians of the various idioms, in order to receive the education and knowledge peculiar to the ecclesiastical state.

"This is the project which I venture to propose to the Supreme Government through Your Honor, as the best means to conserve Divine Worship in the missions of California, in order that the conversion of the gentiles may not be paralyzed, and in order that the white population may have spiritual assistance along with the Indians; and, furthermore, in order that the Indians themselves, who hitherto have found themselves in lowliness and abjection, may commence to form an

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[31] Monterey and San Francisco.

[32] Branciforte opposite Santa Cruz Mission.

[33] This missionary college had charge of the missions in Sonora and Southern Arizona. The Mexican revolt killed them before the paisano chiefs had a chance to ruin the California missions.

[34] near Guadalajara.

[35] The plan was first broached by Fr. Durán. See preceding volume.

idea of the dignity of their own manhood when they behold their own elevated to the ecclesiastical state,[36] set apart as teachers of Religion, destined to communicate Religion to their own in their own language. . . ." [37]

President José Justo Corro [38] acceded to the petition of Fr. Diego for the creation of a bishopric in California, and the Mexican Congress accordingly, on September 19th, 1836, passed the following decree: "Article I. The Government, after hearing such parties as by law may be entitled to a hearing on the subject, and such other persons as it may think proper to hear, shall thereupon make a full report with regard to the necessity of creating a diocese for the two Californias. Art. II. If the report should result in showing that there is such a necessity, report should be made to the Holy See for approval and for the erection of said diocese. Art. III. From the three nominees proposed by the Metropolitan Council, the Government shall choose the person whom it believes most suitable, and propose him to His Holiness. Art. IV. The person elected shall receive from the public treasury six thousand dollars per annum, whilst the diocese has not sufficient income. Art. V. During the continuation of the same circumstances, the public treasury shall furnish a subsidy of three thousand dollars per annum for expediting the Bulls and for traveling expenses of the bishop to his episcopal see. Art. VI. The property belonging to the Pious Fund of the Californias shall be placed at the disposal of the new bishop and of his successors, in order that they administer and expend it according to its purpose and other similar ones, always respecting the will of the founders of the

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[36] Fr. Diego must have erroneously judged the California natives from what he knew of the Indians in Mexico, who stood on a far higher plane originally and therefore produced many priests.

[37] Fr. Diego to Minister Iturbide, Mexico, June 27th, 1836. "Sta. Barb. Arch."

[38] Owing to the illness of President Barragán, the Mexican Congress on February 27th, 1836, chose Corro to fill the position of acting President. He held the office till April 19th, 1837, when the newly-elected President, Bustamante, once more assumed the reins of government. Bancroft, "Mexico," v, 178-180.

Fund."[39] By the enactment of this law, and by the subsequent surrender of the property belonging to the Pious Fund to the Bishop of California, Mexico simply discharged its clear duty as a trustee in possession of the Fund. The usual internal disorders in Mexico, differences with France, and other causes, however, impeded the execution of the decree for nearly three years.

Meanwhile in California only two missions, Santa Clara and San José, had escaped confiscation. Under the supervision of the Fathers they were, therefore, still in a passably prosperous condition, despite the exactions of which Fr. Diego complained in his memorials. Some of the Fathers, like Fr. Durán and Fr. Diego himself, even expected to see all the other missions restored to the care of the friars in virtue of the law of November 7th, 1835. Had they known the young Californians better, they would not have trusted the Castros, Alvarados, or any of this tribe, to respect the laws and to do simple justice to the Indians. We therefore need not be surprised to find the four paisano chiefs, as soon as they had secured control of the territorial government and assumed the lofty title Congreso del Estado Libre de California, taking steps to seize the two missions not yet under their control, as the following haughty communication to Fr. González Rúbio of Mission San José proves: "The Excellent Deputación organized into the Constituent Congress of the State, in extraordinary session to-day, resolved that Your Paternity be told that, using its authority,[40] it has determined to send you this notice, which I hereby do, that, as soon as the citizen José J. Vallejo[41] presents himself at the establishment with

[39] "Foreign Relations," Appendix II, 207; 292; Sotomayor, "Historia del Apostolico Colegio," p. 269. Fr. García Diego was notified by Minister Iturbide on October 12th, 17th, 1836. "Escrituras Sueltas," Archbishop's Archives.

[40] which was usurped by José Castro, J. B. Alvarado, Antonio Buelna, and José Ant. de la Guerra, who composed this self-styled congress.

[41] Had he been a conscientious Catholic, he would have refused to serve, but then he would not have become guilty of other disgraceful acts at Mission San José.

an order from this government, you proceed to surrender to him by inventory the property which constitutes the temporalities. In the meantime, for the present, and whilst everything in connection therewith is being arranged, you may avail yourself of what is necessary, and you may occupy the quarters which the administrador will assign to you. Complying with said resolution, I inform Your Paternity for your observance, hoping that you will acknowledge receipt of this, and that you will give me due notice that the order has been carried out. God and Liberty. Monterey, November 29th, 1836. José Castro, President; Juan B. Alvarado, Secretary.—To the Rev. Fr. Ministro of San José." [42]

When it is remembered that this mission, like all the others, was established, and for fifty-nine years conducted by the Franciscan friars on Indian land, for the spiritual and temporal benefit of the Indian converts, without any assistance from either the Spanish or Mexican or California government, but by means of the stipends from the Pious Fund and the earnings and personal labor of the friars, who, like the Spanish and Mexican governments regarded the land and the accumulated property as belonging exclusively to the Indian converts, then it will strike the reader that this act of the band which called itself Congress of California was nothing less than robbery.

The order for the confiscation of the last mission, Santa Clara, was issued by Mariano Vallejo, as military general, on December 27th, 1836. José Ramón Estráda, the comisionado, took possession the very next day.[43] In these as in all other cases the friars offered no resistance whatever, though they might well have pointed to the Mexican decree of November 7th, 1835, which repealed the decree of August 17th, 1833, and refused to surrender until the Supreme Government should reverse itself. One reason was, the freebooters had

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[42] "Sta. Barb. Arch."

[43] "Conforme al oficio de V. S. fecha de ayer quedan cerrados todos los efectos existentes en ésta mision." Estráda to Vallejo, December 28th, 1836. Bancroft Collection. "Archivo de las Misiones," Papeles Originales, tom. ii, p. 833.

no respect for priestly dignity. They would have used force, and the neophytes, already enough scandalized by the lawless white people in power who claimed to be Christians, would have beheld another scene which might have shaken their faith in Divine Justice. Another reason was the fact that forced contributions for the military continued. Under the circumstances, the Fathers must have appeared to themselves and to the Indians, as indeed they were in the eyes of the young California dictators, as nothing more than plantation overseers and produce agents for the officials and their shiftless troops. The missionaries were willing enough to lead the neophytes in the ways of industry, and to provide for their temporal needs, as a necessary means to win and retain them for Christianity; but they felt it was beneath their dignity, and repugnant to their peace of mind, to act as mere agents, foremen, and storekeepers for the unappreciative troopers and their insolent officers. Hence they silently yielded to those who coveted the positions of administrators for all they could make out of it, since no tribunal existed to which appeal could be made.

How these two missions of San José and Santa Clara suffered, not to speak of the nineteen establishments in the hands of hirelings, and what vexations the Fathers had to endure in consequence, may be gathered from the following incidents. On November 17th, 1835, José Castro, temporary civil governor succeeding Figueroa, requested Fr. Rafael Moreno of Mission Santa Clara "to pay to José M. Roméro, director of the normal school [44] at this capital of Monterey the sum of $83, 2 rls., 8 grs., the sum allotted by this deputation to be paid by you annually for said teacher." [45] Just why a distant Indian mission should be taxed for the maintenance of a school for white pupils at Monterey, is not clear, except on the ground that the Castros, the Alvarados and others of the party in power decided that the Indians were obliged at their own expense to furnish a higher education for the children of the

[44] It was established by Roméro, but existed only for a season. Roméro then left the country with Gutiérrez. Bancroft, v. 703.

[45] "Archb. Arch.," no. 2206a.

paisanos, just as they had been compelled to provide for the support of the military. At all events, the missionaries had to pay what was demanded, otherwise the paisano chiefs would have used force.

In reply to a similar order on Mission San José, Fr. González Rúbio wrote: "I have given this year a draft for the same amount to be paid by Alfred Robinson to said Roméro, just to please the territorial government and to manifest my sincerity to carry out their commands; but when I consider the enormous expenses of this mission,[46] the duty which I have of not alienating the property of its minors, the neophytes, and inasmuch as this property is exempt from all taxes and contributions,[47] it is impossible for me to pay the present order. Besides, I have not received any information as to an allotment, otherwise I would in justice have presented a petition and an explanation to the governor." [48]

Fr. Rafael Moreno of Mission Santa Clara, alluding to an order of another kind from José Castro at an earlier date, replied: "Concerning your request for grain for the troops, I have to say that I would gladly comply if I were not in the very same predicament as said gentlemen. Your Honor and the commanders [49] have to feed the troops; I must feed my Indians. Moreover, these latter do not reason.[50] They must

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[46] Nearly 1900 Indian neophytes lived at the Mission.

[47] Under Spanish laws Indian missions were exempt; but since the Mexican independence and misrule in California, the missions not only had to furnish supplies to the troops for worthless drafts, but were taxed higher than the colonists, and, in addition, had to make contributions whenever called upon, as in the case of said school.

[48] Fr. Rúbio to Castro, November 27th, 1835. "Archb. Arch.," no. 2206b.

[49] Gutiérrez was military commander after the death of Figueroa, but he also became civil governor when Castro had to surrender the office.

[50] This was said with much truth. The Indians were like children; to reason with them was generally useless. On this account, the white people were called "Gente de Razon," people who reason, or with whom one might reason.

have something whether there is anything or not. They will at once insist that what their labor produces is theirs.[51] They even say that the Father, in order to make money, does not give them what they need. Moreover, this year has been a bad one; the harvest was very poor, and so from all sides they flock to Santa Clara. I am sorry, but if I give nothing, you know the reason. I would not sell any grain to Cot and Pedro, not even for a high price; but I will take away the food from my own mouth and give it to the troops. I will furnish twenty fanégas of wheat, ten fanégas of corn, and four fanégas of beans. This is all I can do, and even that only at great sacrifice." [52]

Such remonstrances were, of course, very disagreeable to the young California officials; but to dun them for what they owed the missionary establishments was audacious presumption! Hence we can well imagine what the pompous "General" Mariano Vallejo felt on receiving the following communication from Fr. Rafael Moréno, under date of September 23rd, 1836: "I am under the necessity of paying Mr. Robinson what I owe him. I shall not have enough with which to pay him even by means of all the money, hides and tallow which the mission possesses. For this reason I am compelled to trouble the gentlemen who are in debt to the mission. I shall therefore consider it a favor if you would tell me whether you will be able to satisfy or pay said foreign gentleman, who is at San Francisco, with a draft of $160, which you owe for one hundred heifers, and fifty dollars for soap, beans, and peas which I sent you last year?" [53]

It is quite likely that similar communications caused the Vallejos, Alvarados, Castros and their kind to resolve to rid themselves, once for all, of the troublesome and scrupulously conscientious friars in the two remaining missions, and to

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[51] In this case it was the Indians who reasoned correctly. It was with the paisano chiefs the Fathers could not reason; force would be employed by the young clique, if the friars dared remonstrate.

[52] Fr. Moréno to Castro, November 12th, 1835. "Archb. Arch.," no. 2207.

[53] Arch. de las Mis., "Pap. Originales," tom. ii, 831.

replace them with comisionados or administradores, who would entertain more lofty ideas of the position of a California governor and of a comandante-general, than to prefer the rights of the Indians to paisano convenience. This would explain how it came that the decree of the Supreme Government restoring the missions to the Fathers was disregarded, and the last two missions were hastily taken away. Such action was strictly in keeping with the unscrupulous character of the young Californians who had contrived to secure control of the territory. It also settles the question, Who ruined the California missions? Certainly not the Government of Mexico, as was popularly assumed.

Lest the reader fancy that we judge Mariano Vallejo too harshly, the following extract from Bancroft [54] will convince him of the contrary. When Don Mariano had become military commander by the grace of the four members who in December 1836 constituted themselves the Congress of California, he made a tour of inspection. "At Santa Barbara he found matters in a condition which did not square at all with his ideas of military discipline. Don Guadalupe,[55] proud and pompous in manner, had been a soldier from youth.[56] He was a martinet by disposition and education,[57] and at Sonoma, among the Indians and soldiers paid from his own pocket, had been wont to put on the airs of a petty sovereign. Colonel Alvarado and Lieutenant-Colonel Castro, on the contrary, had never been soldiers at all. They knew little of military discipline, and had not cared to enforce the little they knew. To their officers they were 'Juanito' and 'José,' and the men were correspondingly familiar and careless. Captain Vallejo proposed to change all that. The new régime was introduced at once. In a few days the guardhouse was crowded with offending soldiers, while pretty much every officer in the place was under arrest. A lieutenant and a citizen in conversation ventured to criticise the comandante's

[54] "California," iii, 581-583.

[55] Mariano Vallejo was frequently thus styled.

[56] He was a youth still, twenty-eight years of age.

[57] See preceding volume, pp. 614-615; Hittell, ii, 252.

acts. The officer was reprimanded, legal proceedings were begun against the citizen for disrespect, and Castro was placed under arrest for not having arrested others. Castillero was snubbed. Padre Durán, coming to plead for some prisoners, was forced by a sentinel to await his turn for an audience with the general, and on announcing his errand, was informed that he might retire unless he had something to say about Church matters.[58] Captain De la Guerra y Noriega was ordered to take the command of Santa Barbara, and declining on the ground of ill health, was ordered under arrest at his own house, and informed that it was his duty simply to obey orders, though his petitions presented later in proper form would receive due attention. Some were amused and others offended at these new methods. Don Guadalupe soon found himself involved in such a tempest of protest and entreaty that he was forced to yield. At a grand party at the house of De la Guerra y Noriega, all shook hands, made peace, and received the surrender of the general, who was forced to admit that in an army of unpaid relatives, the old Spanish discipline must be somewhat modified."

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[58] When it is remembered that Fr. Durán, besides being an aged man and highly popular, was the head of the Church in California, the conduct of the young upstart must strike one as insolent to the last degree. See Appendix A.

## CHAPTER VI.

Fr. Durán's Exposition of Mission Affairs.—Shameless Treatment of Aged Missionaries.—Insolence of the Administrators.—Mexican Name Detested.—Recommendations.—Sad Results of French "Philosophy."—Deluded Pagans.—Figueroa Compelled to Issue Confiscation Decree.—The Neophytes under Administrators.—Californians Worse than Moors and Turks.—Situation in General.—The Americans.—Friars Want to Leave.—Conditions Intolerable.—Fr. Durán to Fr. Rúbio.

INTO what unworthy relations the poor friars were thrown after the confiscation of the missions, we should never have been able to fully realize were it not for the ever alert and solicitous Fr. Narciso Durán, and for Eugene Duflot Mofras. The latter's observation, made a few years after Fr. Durán depicted the situation, will be utilized in subsequent volumes on the local history of each mission. One year after Fr. García Diego had presented his memorials to the Supreme Government, Fr. Durán, in his usual clear-cut manner, described the conditions in California, his hopes and his fears, and also his determination, to the Fr. Guardian of San Fernando College. Although the precious document covers seven folio pages, and is written in a small hand, it is well to reproduce it in order to afford an exact view of the period immediately following the confiscation. It will be seen that the author corroborates Fr. Diego's statements, and reveals much more that is of the highest interest.

Writing under date of September 25th, 1837, the Fr. Prefecto tells Fr. Hidalgo: "It is eight days since I received the report of the chapter held for the election of a guardian and of a comisário-prefecto.[1] A few days previous, I forwarded to Your Paternity, in care of Andrés Castillero, who sailed from here in a goleta purchased by the territorial gov-

[1] This chapter, held December 3rd, 1836, had elected Fr. Hidalgo guardian, and Fr. Durán prefecto. The notice required nine months to reach its destination!

ernment,[2] the copy of a memorial which I had transmitted to the legislative assembly. In this document, I asked for a change in the system that now controls the missions,[3] which with the exception of three or four are running to the destruction already reached by the others. Inasmuch as this remonstrance touched the sore spot of the members, they, under various pretexts, wanted to lay it aside without discussing it. Meanwhile I prepared another; but it was not necessary to present it, because, owing to a letter in which I demanded the return of the first communication, they decided to take it up. They then concluded to leave the matter in the hands of the governor,[4] so that he might do what he deemed proper. The governor, in turn, declared that an answer should be awaited from the Supreme Government, to what questions, I know not. This much, however, is certain: the missions are coming to an end, but the fondness of those concerned for their victims,[5] on which they are growing fat, forbids them to let it go until they cannot avoid it. All these things I have sent to you in writing in order that you may do what you can before the Government, so that a remedy may be applied for the great disorders and the torrents of evils which are overwhelming us, and which are afflicting us to such a degree that I can assure you, if we are not relieved, we shall scarcely be able to bear it another year.

"I am writing this letter for two very grave reasons. The first is to represent to Your Paternity the utter need of at least five able religious to take the places of exhausted and invalid friars. The other motive is that the Indians should be

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[2] As will be remembered, he was sent to Mexico as emissary of Alvarado.

[3] He demanded that the law of November 7th, 1835, which restored the missions, should be carried out.

[4] Alvarado, himself **particeps criminis** with the other three members! In the previous January he had already told Fr. Durán that he was pledged to complete the "secularization." See page 62.

[5] Mission property and the Indians to serve them.

emancipated,[6] and land and property be allotted to them, reserving only a certain quantity for Divine Worship and its ministers; or, in case that the neophytes should be judged unfit,[7] that they be restored to our guidance and care, so that we may provide as formerly for their spiritual and corporal necessities. As it is, a state of utter abandonment has set in, the consequence of having removed the Indians and their land and property from our paternal solicitude.

"The first step must be that from our houses be driven the administradores who now have possession of the quarters which our brethren occupied when two religious were stationed at a mission. As it is, we cannot give a home to a poor, aged or sick Father, save by exposing him to the indignity of being treated like a dish rag;[8] for these officials will not recognize as missionary save him from whom they can promise themselves more dissimulation and connivance at their management, as has happened at Purisima, San Luis Rey,[9] and San Diego.[10] They even dared as much at this

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[6] This must surprise, for the neophytes had been "emancipated" or set "free" by Figueroa's decree three years before. Echeandía had already begun the work of "emancipating" ten years before! The paisano officials and hirelings, however, detained the Indians to do the work; for since the indolent Mexican Californians preferred gambling to labor, they could not thrive without the services of the Indians. So all their talk about liberty was nothing but buncombe! Formerly the neophytes labored as children of the household for themselves; now they had to labor as slaves in order to furnish supplies and salaries for the paisano chiefs and their partisans!

[7] Of course, they were now judged unfit lest the freebooters lose the advantage of their labor.

[8] "Los administradores seglares han ocupado las moradas de nuestros compañeros quando habia dos religiosos en cada mision, de que se ha seguido el no poder colocar á un pobre religioso viejo ó enfermo sino es con la indecencia con que se trada un trapo de cocina."

[9] Here Pio Pico "administered" the property and the neophytes.

[10] So, unless the friar connived there would be trouble, and, as none of them would approve the rascalities, there was trouble.

"THE ADMINISTRATORS HAVE PLACED IN OUR VERY HOUSES THEIR NUMEROUS FAMILIES OF WOMEN, CRYING AND TURBULENT CHILDREN AND A MULTITUDE OF RELATIVES, WHO ALL MAKE AN UNBEARABLE RACKET."

Mission of Santa Barbara, where we are two together;[11] the administrators have placed in our very houses their numerous families of women, crying and turbulent children and a multitude of relatives, who all make an unbearable racket.[12]

"This cannot continue thus any longer. It means being martyred with needles. If no remedy is forthcoming I shall not stand security for the perseverance of the missionaries. To convince Your Paternity and the Supreme Government of the extreme necessity of sending some missionaries at once, I forward the enclosed report of the names, ages, infirmities, and years of service of those of us who survive in the same order in which we are stationed at the respective missions, from San Miguel in the north to San Diego in the south.[13] From it Your Paternity will learn that some continue their spiritual ministrations by miracle, so to speak, and that they cannot, as formerly, visit the sick in order to provide them in time with the Sacraments; for some of the neophytes, on the ground of having a ranch, others, for being free, others, because they have run away, do not call for the priest until they see themselves at death's door. Many times, too, the missionary, on account of extreme old age or infirmity, cannot visit them. How, for instance, will Fr. Ramón Abella, who is alone at Mission San Luis Obispo, at the age of seventy-four and more years go eight or ten leagues over rough roads to hear a confession? This religious, in the name of justice, asks for a companion to assist him; but, under the

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[11] Fr. Durán was vicar-general of the Bishop; Fr. Antonio was in charge.

[12] "Se han colocado los administradores en nuestras mismas casas sus numerosas familias de mujeres, criaturas llorando y travesando con multitud de allegados, que por todos forman una algarabia inaguantable." It was not that the administrator received his salary, but the mission was regarded as the milch cow for his own and his wife's aunts, grandmothers, nieces, friends and their children and servants. The whole brood would for weeks enjoy themselves at the expense of the poor neophytes, who with the missionary wistfully beheld their property squandered by outsiders.

[13] This report is not extant, but in the local history the facts will come out clear enough from the records.

present system of administrators, if another Father were granted, there would be no room to offer him with decency, for the said reason that the administrators consider themselves masters with prior rights, and occupy every quarter with their numerous families and other outsiders. Hence, in order to be able to assign a companion to console an aged or infirm Father, first of all a strict command from the Supreme Government will be necessary to restore the missions to us,[14] and to rid us of these parasite administrators who have caused more ruin and evils than a cloud of Cossacks.[15]

"I believe the Supreme Government has the best intentions, but among so many complaints from one side and the other it finds itself perplexed to discover for which side reason and justice militate. In such a case, I would propose that a commissioner be sent in the capacity of inspector, who should not be the one that may be appointed governor, but a man of trust, impartial, and above all a Christian,[16] who shall visit, question, observe, and note down everything he hears or sees, without giving any orders until he has finished the visitation from San Francisco Solano to San Diego. I believe the Government will, in this manner, obtain practical and solid information about Alta California, its evils, especially, its total lack of a judicial court,[17] its needs, and the ease with which North America with only five hundred well equipped men can conquer and peacefully possess this territory.[18] To this, its inhabitants would not offer much opposition save for motives

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[14] in accordance with the law of November 7th, 1835.

[15] "quitandonos esta polilla de administradores que han causado mas ruinas y males que una nube de Cosacas."

[16] which could not be said of the paisano chiefs who were guided by imported notions of French infidelity.

[17] This was the one great and crying need: a court of appeals.

[18] He who thus warns the Mexican Government is the same whom it repeatedly ordered to be banished for disloyalty! It is a pity those 500 Americans did not seize California at that time. The missions would have been saved, for the Americans respected the property rights of the Church and of the Indians.

of Religion.[19] It is necessary to tell all this to the Government, that is to say, that the very name Mexican sounds as disagreeable to a Californian as did the name Spaniard in the time of Yorkism,[20] when hatred for that name seemed to be the order of the day. Thanks for all this to Chico and Gutiérrez whom the people cannot hear mentioned without horror.[21]

"Likewise, it is indispensable to inform the Government that the governors, who have been here from the year 1810 to 1834, regarded the missions as property of which they could dispose freely for the relief of their necessities and those of their soldiers. Hence it is that, in order to support the presidial companies, these missions for twenty-four years have suffered so much from forced contributions and pretentious demands that, if I say the secularization of 1834 with all its imminent ruination and our own enslavement served us as a speedy and heartfelt relief, I but slightly indicate all we have endured. Add to this the most bitter pain it gave us to see ourselves obliged to aggravate the labor of the unfortunate Indians, and to take away the food from their mouth in order that strangers [22] might enjoy it; and we, all the while, telling them that we had no other interest in them than to gain their souls! and that if they worked it was all for themselves! What must the poor people have thought of the sincerity of our words? [23] How our hearts went out to theirs! Well, in

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[19] "que no se opondrian mucho sus habitantes fuera de los motivos de Religion." Fr. Durán and the inhabitants, outside the paisano chiefs, would have welcomed the Americans but for the mistaken impression that under the United States flag the Catholic Religion would be oppressed. This proves how hateful the Alvarado, Vallejo, and Pico misrule had become.

[20] Freemasonry, divided into two parties, the Yorkists or Yorkinos and the Scottish Rite or Escoceses. They bitterly antagonized each other. For their activity see Bancroft, "History of Mexico," iv, 698; 793; 804.

[21] "Gracias de todo á los Señores Chico y Gutiérrez, que no pueden oirlos sin horror."

[22] that is to say, the soldiers, who to them were foreigners.

[23] Rather, they must have been convinced of the sincerity of the friars; for they were shrewd enough to see who were at fault, otherwise they would have refused to work at the word of the Fathers.

this spiritual and temporal anguish we passed four and twenty years of our lives. With the 'secularization,' the anguish changed to another equal to it which we likewise cannot remove. If, therefore, the Government contemplates and desires that we resume the management of the temporalities, it must be under the absolute condition that it will content itself with what we shall be able to furnish conveniently, but not as an obligation in justice, as Chico and Gutiérrez of unhappy memory demanded.

"The Supreme Government must be firmly convinced of one thing, which is that, to keep California in subjection and in good order for many years, it must send a Christian governor who will give good example, and with him a force of two hundred disciplined men; but it must not leave them to the care of Providence alone, as heretofore. How can a soldier without food or clothing preserve his enthusiasm for the Government and be inspired with confidence? Innumerable times have I read in the very faces of the soldiers the interior desperation which consumed them. It is true, foreign vessels produce some revenue, but it does not go far on account of the plague of officials and employees who have always ruled this country.[24]

"In the first place, it must be observed what sort of men came here since the year 1822.[25] With the exception of Victoria, and in some respects also Figueroa, all have given bad example,[26] and by this means they have lost the respect which the simple and religious people entertained for the governors who preceded. They would not believe that, because the population was small and unoccupied, it would at once know the private life especially of those who figure in society. Next, the Government should send annually from $60,000 to $80,000

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[24] "No alcanzan de mucho á la plaga de oficiales y empleados que siempre ha reinado en el pais!"

[25] When Mexican misrule began.

[26] This would seem to indicate that in private life Echeandía, too, was what Robinson called him "hombre vicioso." Of all the rest there is no doubt. Victoria and Micheltorena were the only clean ones.

for the support of the troops as the king did formerly; for this country is very poor. It is a land without arts and without industries,[27] and maintains itself by trading hides and tallow for various goods and wearing apparel down to shirts of the roughest cloth; for even this is not produced by the colonists. These people know no other occupation, and care for nothing more, than to ride on horseback with the lasso. Hence, being generally very poor, it is risky to speak to them of any direct contributions apart from the tithes which are for religious purposes only.[28] All this is certain. The Government therefore can perceive the necessity of the said annual remittance. With this, and sending some friars of exemplary conduct, and with instructions to be considerate with the people of the territory,[29] not only can the torn thread of harmony between the Californians and Mexicans be restored, but the republic may have well-founded hopes of establishing the finest arsenal and marine department at the healthy ports of San Francisco and Monterey.[30]

"The coming of some religious is a matter of the first necessity; for, without them, the conversion of the pagans in the interior can never be accomplished. In my whole life, I saw nothing more ridiculous than the plan of colonizing and civilizing the Indians with philosophical addresses and magnificent promises which they do not understand or esteem. They are people that live in the present and not in the future. The first thing they look to is what is given not what will be given them. The reduction of the Indians to society is reserved exclusively to the Gospel. For this reason, it is

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[27] That is to say, outside the missions, for mechanical arts and industry were cultivated there, and everything worn or consumed was raised or manufactured by the neophytes. Fr. Durán speaks of the paisanos and Mexicans only.

[28] These tithes had been collected by government officials. The friars had nothing to do with them, and received no part of them.

[29] The Mexican friars seem to have been less forbearing than the old Spanish Fathers; but the remark may have been precautionary.

[30] Fr. Durán evidently was absolutely disinterested and loyal.

clear that ministers of the Gospel, not philosophers,[31] are needed. If the Mexican Republic had been bred in peace, and had not, at times, been dominated by the spirit of Jacobinism,[32] this California at this date might have a new chain of missions in the very heart of paganism without scarcely any expense to the Government, for the requisites to found them could have been obtained from the old establishments. With this object in view, San Diego, for instance, founded the rancho of Santa Isabél in the interior; San Luis Rey established San Jacinto and one other station;[33] San Gabriel founded the beautiful San Bernardino asistencia, which lately has been given to some private individual in spite of my protest in behalf of the rights of the Indians of San Gabriel, and whose entire restitution I demand to the Day of Judgment.[34] Thus all the missions would have done in their respective parallels, if the times[35] had assisted in building up instead of tearing down. After the new line of missions would have been established, the Indians of the old missions might have been emancipated and would have been free to form pueblos after the manner of the white people, or they might have joined the new missions. After alloting sufficient land to them, the remainder with right good will would have been ceded to the territorial government in order that it might

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[31] Inflated French infidels. It was this kind of men who had filled the shallow minds of the young Californians with disdain for Religion and its ministers. By their fruits we may judge the teachers as well as the pupils.

[32] French atheism gone mad. It is this which has caused all the disgraceful revolts in unhappy Mexico from the beginning to the present day. It created the shocking disregard for human life and rights displayed by the Carranzistas and Villistas, for instance.

[33] San Antonio de Pala.

[34] "á lo que he protestado en favor del derecho de los Indios de San Gabriel con la restitucion in integrum hasta el dia del Juicio."

[35] The Fr. Prefecto overkindly uses the word "times" for paisano chiefs.

favor whomsoever it desired to favor.[36] In this manner, marriages would have been encouraged, because the number of landowners would have increased, and the deplorable drawbacks which prevail would decrease, for now there is dread among men to burden themselves with a lawful wife and children.[37] The small population would grow rapidly in a land which is so highly agreeable to white people, and soon the hostile Indians of the frontier would return to the peace and respect which they formerly had for the whites in consequence of the protection of the religious by the government. All has been rendered impossible by the 'secularization.'

"Besides the damage which such unfavorable times have caused, the colonizers with their heads full of philosophy have undertaken to interfere. They have sent to the pagans letters and philosophical papers full of the pompous matter which is already disgusting to people that think; for instance, that the *friars* do nothing more than enslave the Indians; but that now their friends and deliverers have come to break the yoke, etc. The consequence was that the poor pagans fell into the trap. They were alarmed, and came to attack Mission San Gabriel. Fr. Tomás Esténaga went out to meet them, to speak to them, and to pacify them; but they bound and insulted him, and carried him off to the mountains to sacrifice him. When the same colonizers observed that with but a small dose of philosophy the pagans readily became ultra-barbarians, shame seized them, and they hastened to liberate the missionary. This same philosophic-barbarian spirit led the Indians to offer some little gratitude, in that they, among other things, robbed and burnt San Bernardino rancho, and killed the neophytes whom the mission had there, and who

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[36] This was eminently fair, and would have satisfied all honest settlers; but the indolent mission despoilers, besides land, wanted salaried positions, and Indians to do the work for nothing, or for little more.

[37] Fr. Durán merely hints at the immorality, at which the governors set the example. It was this state of corruption that made him call for religious of solid virtue, if any were sent at all. See Dana, chapter xiii; Duflot Mofras, ii, 21-23.

could not save themselves by flight.[38] It became necessary to punish the assailants. As a consequence, many of the deluded gentiles on the field of battle paid for their philosophic credulity with their lives.

"This was not the only result of the infidel philosophic colonization expedition.[39] As soon as it was understood that the colonizers came empowered by the Government to take charge of the missions, as they said, but really to rob them, the Californians,[40] considering that they themselves and relatives had more right to enjoy said property than irresponsible adventurers, began to agree on the demand for the 'secularization' of the missions. *They threatened to rebel, and thus intimidated the pusillanimous Figueroa to such a degree that, contrary to his own judgment, he acceded to the demands and threats of the territorial legislators of that period, and sanctioned the shameful 'secularization' which has ruined the missions in spiritual and temporal matters.*[41] A wag was not wanting who said to Figueroa in his very face: 'Oh go to! the game has gone from robber to robber, and Your Honors have won.'[42] He replied with only a faint smile, which tacitly admitted the jest. Thanks, then, to the colonization scheme and to 'secularization' that the well-springs of public prosperity have dried up.

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[38] How very much like the Barcelona and Lisbon riots, the Carranzista, Villa, and Zapata atrocities in Mexico, due to the same anti-religious influences.

[39] The Híjar-Padrés-Bandini colonization affair. See preceding volume, section ii, chapter xii.

[40] led by the Picos, Vallejos, Alvarados, etc.

[41] "Se hacen amagos de revolucion. Se intimida el pusilanime Sr. Figueroa. Accede contra su opinion particular al deseo y amenazas de los diputados de aquella epoca; y sanciona la desgraciada secularizacion, que ha arruinado las misiones en lo espiritual y temporal." Here we have the solution of the mystery why Figueroa changed his mind and "secularized" the missions, after he had declared such a plan ruinous. See vol. iii, 496-497; this volume, chapter iv. The italics are ours.

[42] "Vaya! el juego ha andado de ladron á ladron, y Vms. han ganada."

"This, then, my Venerable Fathers, is the present situation in California, and the state of the missions, once so orderly and flourishing now disordered and ruined. The poor Indians exhausted with hunger and wretchedly clad are compelled to labor all day, and all that the Indian enjoyed, minus a little food for one or two religious, is now enjoyed by the families, relatives, and friends of the administrators.[43] In order to quiet the Indians, who are not wanting the eyes to see what is going on, nor the heart to feel it, they are permitted to neglect the daily prayers and the recitation of the Christian doctrine, which were commanded by the laws and are so necessary for a people so dull. They may with impunity stay away from holy Mass as well as neglect to comply with the precepts of the Church. The missionaries are thus compelled to content themselves with the administration of the Sacraments in the hour of death, and even for that purpose the necessary conveyance and animals are wanting when the distance is great. In addition to this, in order to make the Indians satisfied with the present system, from the very start recourse was had to the perfidy of setting free the single women (who from necessity and experience had formerly to live in a separate community), so that they might go to live with their relatives.[44] This resulted in general prostitution contrary to the public decency and the salvation of the unfortunate women. Drunkenness is tolerated among the Indians, provided they work and say *Amen* to everything. Of all that pertains to Christian and religious decency very little or nothing is heard.

"I should like to have this territorial government, as well as the administrators, tell me with what conscience the one allots salaries from property that does not belong to said government, and the others receive such salaries from any one that cannot give them? and, when they accept salary, why do

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[43] For the time allotted to work, for the food and clothing distributed, etc., under the rule of the Fathers, see vol. ii, sect. ii, capp. ix-x.

[44] See vol. ii, pp. 249-250, for this feature of the Franciscan Mission System.

they not care for the Christian and moral education of the Indians, and make them comply with the commands of Religion and morality? To this they are obliged under pain of restitution on this ground alone. Why entirely ignore Religion, which was the only motive for converting them from savagery, collecting them into communities and teaching them industry, which are naturally so repugnant to them? Why not restore to them this (savage) liberty, since the object for which it was taken away does not continue? Formerly, the neophytes understood that, when the Fathers induced them to yield their savage liberty, it was a necessary sacrifice they owed to God for the benefit of their salvation which they could not secure in paganism; but now they see that what interests least are their souls. What must they think? What must they say? It is certain that the Indians are scattering and running away at sight of what is happening. Baptisms are paralyzed. The new Christians have returned to their former hovels. Who will give account to God for all the damage, and for the enormous and public wrongs which are committed every day against the persons and property of the Indians? Who will have to give it? The government which consents to it, and the administrators who cooperate. For this reason, some, who see that this country is being made the theatre of injustice against the most unfortunate and wretched people of the globe, believe that it will not escape being the scene of chastisement from Heaven.[45]

"Yes, Rev. Fathers, the most ferocious conquerors whom the world has ever produced, including the African Moors with respect to Spain, the Turks with regard to Greece, and Napoleon with respect to Europe, without considering the flood of barbarians of the fifth century, have not perpetrated

[45] Punishment did overtake the mission despoilers. As far as we have been able to learn, they were all reduced to abject poverty. Pico would have died in the poorhouse but for American friends. "Now the venerable ex-governor has been laid in his grave—and that, O most pitiful spectacle, a pauper's grave!" Henry D. Barrows, in "Annual Publication, Historical Society, Southern California," vol. iii, pt. ii, pp. 55; 63. Pico died September 11th, 1894, aged 93 years.

the wrongs which are committed in this California;[46] for they all, as a rule, enslaved and robbed the same persons or communities only once, whereas in California the robbery of property and the oppression of persons go on daily, and this, too, against the property of neophytes and minors, who by canonical and civil laws are privileged and exempt from every kind of taxes, tributes, tithes, etc.[47] These laws respect all this; but in California such laws are not respected, nor is there a desire to recognize them. Hence it is that four pretenders[48] and their families, without remorse, without conscience, without shame, fatten at the cost of the property of these privileged wards. As to the friars who established all this, and who by their personal labor and by means of the goods obtained with their stipends have raised it all from the first stone up, they are driven into a corner, treated with disrespect, and with ill-will recompensed from the allotment made by the so-called Reglamento Provisional,[49] which, though repudiated by the Supreme Government,[50] is maintained here as far as its offensive parts are concerned, for it is the rarest thing that the allotment is paid in full. How must not such enormous wrongs cry to Heaven for vengeance? and how can this land escape being, in time, the battlefield on which the chastisements of God may camp, who cannot remain deaf to the cries of the poor? of God who listens to the very desires of the poor? of God, in fine, who

[46] "no han cometido las injusticias, que se cometen en esta California." A severe judgment; but Fr. Durán was not given to exaggeration, even when he spoke from the bitterness of his heart. The facts bear him out, as we shall learn by and by.

[47] Under the United States Government the Indians in reservations are to this day exempt from taxes of any kind.

[48] We do not know who these "cuatro aspirantes que engordan con sus familias á costa de los bienes privilegiados de sus menores" might be, unless Fr. Durán alludes to the four usurpers in power, Alvarado, Castro, Buelna, and José Ant. de la Guerra. We think he means Alvarado, Pico, Bandini, and Vallejo.

[49] The "secularization" decree of Figueroa. See vol. iii, sect. ii, chap. xiii.

[50] by decree of November 7th, 1835.

tells us through the royal prophet that He 'faciet judicium inopis et vindictam pauperum?'[51]

"For these reasons, and because of the combustible material which this same California contains, some are filled with dread, and others wish to abandon it. Had I been at liberty, I should long ago be at Lima, where I am expected and desired; but I bear in mind the extreme need of missionaries here, so that my conscience would not let me determine to abandon this country. Nevertheless, I say with truth that when Chico wanted to expel me he was about to do me a great favor, which I appreciated greatly because then the abandonment of these souls could not have been laid to my account. Although I shall never be able to make up my mind to depart, I shall not prevent any of the Fathers from leaving if they find themselves unable to endure the situation any longer. I preach to them that they should suffer it one more year for the love of God, but if the Supreme Government does not correct the evils, I fear that within a short time there may be no priests in this country.[52] Then, if once the memory of God be lost, these Californians will develop a fierceness which will be felt among themselves or against others. For the present, it is Religion which preserves a degree of peace, since for years the administration of justice has been as naught. Hence complete anarchy reigns, just as though there were no government. Every one does what suits him. Grain and fruit are stolen from the fields, and cattle are killed and the hides sold. If justice would assist Religion but a little this land might be a picture of paradise. What will happen when for lack of priests Religion ceases, and the neophytes will no longer be able to bear the despotism of the administrators? A dismal future may be expected, unless God from the rich depths of His mercy provides some con-

[51] "He will do justice to the needy, and will revenge the poor." Ps. 139, 13.

[52] In virtue of the Constitutions of their College the friars were free to leave; yet, of the Fernandinos after this date, not one abandoned the missions. The last one, Fr. Antonio Jimeno, was recalled in 1858, long after the missionary period.

solation which cannot be expected from the most astute statesman.

"Foreigners here are certain that the Americans will come to take possession of California before the lapse of a year,[53] and that the Mexican Government is not in a position to prevent it. What then shall become of us?[54] Whither shall we go? I do not know, but the Fathers may do as they please. I do not think of leaving my post, and in case I should do so, it would be to end my days at Lima, Peru. The Mexicans are to blame for all these disorders. If in place of rebelling they had maintained a just imperial government,[55] which might have inspired confidence, Mexico would now have as strong a population as the United States. It is certain that then these would not think of insulting our weakness. When I ponder these things, I cannot restrain my indignation, seeing that, whereas we could have made ourselves respected by our neighbors, we have made ourselves the object of their scorn, all because of the mania of wanting to be apes of foreigners. I shall not dwell on this matter, but will leave it to time and to Divine Providence in the belief that what God permits will be the most suitable according to His sublime and inscrutable judgments. I have, for the last four years, written much to the College in order to make known our necessities. Nothing has come of it, and therefore I do not think of worrying myself so much in the future. This I have written when I was not occupied, which is not often. I conclude by saluting you and placing all at the disposition of Your Paternity and your community."

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[53] Would that they had taken possession five years before; they would have prevented the ruin of the missions.

[54] Fr. Durán can hardly be blamed for having no respect for republics, with only the example of bloody France and Mexico before him. The United States to him was Protestant. So having in mind the atrocious treatment Catholicity received at the hands of Protestant Germany, Holland, England, Switzerland, and the Scandinavian States, he expected little consideration at such hands in California. It is a pity he did not live to see the United States flag raised at Monterey.

[55] Fr. Durán seems more patriotic than the native Mexicans.

Concluding his letter on November 9th, Fr. Durán explains that he petitions for more missionaries only in case the missions are restored to the friars, otherwise it would be asking them to subject themselves to useless privations and enslavement without attaining the chief object after all. He encloses two letters of Fr. Ramón Abella of San Luis Obispo and one from Fr. Oliva of San Diego, which describe the situation at those places.[56] He also reports that Fathers Ibárra of San Fernando and Esténaga of San Gabriel had fled to Sonora, because they found the conditions at their missions under the insolent administrators unbearable, and that, in pity, he had sent them a formal permit lest they be regarded as apostates from the Order. On hearing of the decree of November 7th, 1835, "they have returned, but inasmuch as they see there is no hope that the said law will be executed, and now, having their permit, they wish to leave, I do not know for which place.[57] I cannot and will not detain them to submit to a life of such wretchedness.

"Your Reverences cannot picture to yourselves what we must suffer from those who intruded themselves into our houses where we had always been the sole masters. If now we want to live apart from the administrators, we are obliged to pay for the table and for the food which we have produced. If we want to eat at their table, besides having our allowance cut down more or less, we have to conform our taste, hours, and company to suit their tastes which commonly are altogether contrary to our habits, and repugnant to our character and our position. If we want to live apart, one day there will be no meat, another day will see no firewood, and on another the cook will be sick or will have run away, for the Indians do not observe regularity; and, as they see us downed, and without power to employ force, they show us little consideration. Thus we pass a life capable of tiring out a saint. We have borne this for three years, but it cannot continue." The only remedy, says Fr. Durán, would be send-

[56] Unfortunately, no copies of these letters are extant.

[57] Love for the oppressed Indians exceeded the desire to escape indignities. Both died at their post in California.

ing fifty soldiers for each presidio with orders to execute the law of November 7th, 1835, and fifty thousand dollars annually for their support; but he points out that "the people in California do not want to be ruled by Mexicans. They want to be independent, and they already feel themselves independent, inasmuch as the bond between Mexico and California is very slight, all inhabitants being of one mind in the desire to be independent, thanks to Echeandía, Chico, and Gutiérrez, especially the two last-named, whose very names excite resentment.

"As far as our continuing here is concerned, Rev. Fathers, let the Government bear in mind that this is the last year of weary waiting. The question is whether we shall go to Lima or Manila, in either of which places we shall be received with open arms. We do not need California, where we have suffered such immense evils. I confess we are poor, and we are now useless servants, especially to a government which has resources of its own. How could we believe that it would need us thirteen exhausted individuals, the majority of whom are aged and infirm? Nevertheless, we do not need California. If the Government wants us to remain, it must be convinced of the necessity of relieving us, especially of restoring to us the free use of our homes which we have built for our occupancy, and of delivering us from the intruders, the administrators, who have deprived us of our peace and tranquillity, which we have not known for the last three years." [58] Yet, in the face of all this, Bancroft has the hardihood to assert: "Rarely was a padre insulted or subjected to any hardship, and, as a rule, they were highly respected and most kindly treated by all classes. Secularization had been no wrong to them, or to their Order, or to their Church." [59]

The Fr. Prefecto's intense grief at the incalculable damage wrought by the remorseless greed of the paisano chiefs and their abettors may be furthermore inferred from a letter which he wrote sixteen months later to Fr. González Rúbio, the

[58] Fr. Durán to Fr. Guardian Hidalgo, September 25th, 1837. "Sta. Barb. Arch."

[59] Bancroft, iv. 52.

head of the Zacatecan friars: "If the administrators had done nothing more than paralyze Baptism," he exclaims,[60] "they would have done enough to condemn 'secularization.' They have only inverted the order of means and end. Formerly souls were the object of the missions; paternal allotment of work was only a necessary means. Now all is reversed. Corporal work is the object; souls and Religion are of no consequence; as if to labor for outsiders could be sufficient reason to deprive the Indians of their natural freedom, which was surrendered to Religion only.[61] For the restoration of the missions, there are not even remote prospects. Nor would I take them now if they were given me. Let them finish the destruction. In the end there will remain nothing but scraps." [62]

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[60] That is to say, made it impossible to induce gentiles to embrace Christianity, which, according to Bancroft, was no wrong either to the zealous friars or to the Church established to win such souls! Bancroft, iv, 52. The Indians, who were willing enough to place themselves in charge of the kindly missionaries, would naturally refuse to subject themselves to mercenaries who desired them only for hard labor.

[61] That is to say, the Indians abandoned savagery with its licentiousness and submitted to the restrictions of the missions only for the sake of Christianity as taught by the unselfish missionaries.

[62] "Que las acaben de destruir, y al ultimo del costal saldrán las migajas." A Catalonian proverb. Fr. Durán to Fr. Rúbio, March 20th, 1839. "Sta. Barb. Arch."

## CHAPTER VII.

Fr. Durán Indignant.—Regret of the Friars.—No More Conversions.—Fathers Durán and Rúbio.—The Latter Made Vicário Foráneo.—Matters Political.—New Legislature.—Vallejo and Alvarado Disagree.—Booty Divided.—A Supreme Court.—Alvarado and Isaac Graham.—Statistics.—The Missions under the Administrators.—Bancroft's Description.—How the Plunder Was Accomplished.—Revenues from the Customhouse.—No Relief for the Neophytes.

IN the fall of 1839, Fr. Durán visited the missions south of Santa Barbara. What he observed on this journey aroused his indignation as well as his compassion, and he was not slow to express his feelings in a letter to the acting-governor, Manuel Jimeno.[1] "Why cannot these colonists in the vicinity of San Fernando do the same as those of the pueblo of Los Angeles with respect to San Gabriel? or, at least, alternate the burden with the mission Indians? Why must the labor be done by the Indians alone, without the cooperation in anything of the surrounding white people?[2] I ask Your Honor for some relief in behalf of these unhappy Indians who for the last five years have been molested to extremes without mercy, whereas their character and sufferings might move to pity the very stones.[3] I hope that something will be done, for I ask nothing more than what appears to be quite just." In a postscript the Fr. Prefecto shows how weary of it all he is, when he adds: "I am waiting for the passport which I have demanded of you officially."[4]

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[1] Jimeno frequently had to act as governor when the bibulous Alvarado had sickened himself through drink or otherwise.

[2] Some public work possibly, or Fr. Durán may refer to the everlasting exactions of the military which continued all along, whereas the white people were exempted.

[3] "su caracter y padecimientos pueden mover hasta la insensibilidad de las piedras."

[4] Fr. Durán to Manuel Jimeno, September 7th, 1839. "Archb. Arch.," no. 2236.

Fortunately for California history, the fearless ecclesiastical head of the territory was never permitted to depart for another terrestrial country, otherwise we should have been left in the dark on many serious questions touching the Church and the missions. Many more times he had occasion to rise in defense of the down-trodden Indians, and his lucid treatment of the subjects at issue never left the paisano chiefs as much as a point on which to base their aggressions against the Indians and their property, the missions. In the two letters just quoted the Fr. Prefecto but voiced the grief and indignation of all the missionaries; for their occupation as messengers of the Gospel to the Indians was ruined along with the establishments which they had reared for their neophytes. They could not expect to make any more converts among the savages east of the coast range as they so eagerly desired; for to those gentiles a religion, which appeared unable to protect or to provide even for its own ministers, offered no inducements that appealed to the carnal nature of unrestricted savages. For the same reason, the affection and confidence of the very neophytes were severely taxed, and even lost with not a few. Nor was there hope of any change for the better, since Fr. Durán's representations had no effect in Mexico. As for founding new establishments in order to win the thousands of savages of the interior, though it would cost the government nothing, and would materially have aided in preventing hostilities, the paisano chiefs had no sympathy for such aims. If the barbarians would not submit peaceably, the military would bring them to terms or exterminate them, though that kind of procedure cost money. This result the troops under Mariano Vallejo, especially, were achieving at this period. The consequence was a deep hatred or contempt for Christianity itself on the part of the pagan Indians, inasmuch as they observed that the officials, who claimed to be Christians, showed no regard for the red men.[5]

It would have been useless for the friars to attempt the conversion of the remnants of paganism for another reason. After the confiscation of the missions, they would have to

[5] See Bancroft, iii, 358-362; iv, 67-77; Hittell, ii, 211; 275-276.

approach the gentiles empty-handed, whereas the carnal California native demanded some tangible advantage. Epidemics finally carried away the Indians of the Sacramento and San Joaquín valleys, and thus frustrated any prospective attempt to win their souls.[6] Sadly the Fathers contemplated the spiritual havoc, which was incomparably greater than even the temporal damage wrought by Mexican politics and California greed. If the spectacle failed to drive the unselfish missionaries from the ungrateful country, it certainly embittered and shortened their lives. Thus, from the time that Alvarado seized control of the territorial government, end of 1836, to the end of 1840, three aged Fernandino Franciscans went to their eternal reward. They were Fr. Fernando Martin at San Diego, on October 19th, 1838; Fr. Felipe Arróyo de la Cuésta at Santa Inés, on September 20th, 1840; and Fr. Buenaventura Fortúni at Santa Barbara, on December 16th, 1840. Fr. Rafael Moreno of the Zacatecans also passed away at Mission San José on June 9th, 1839. These deaths reduced the missionary force of the Fernandinos to eleven Fathers including Fr. Durán, and that of the Zacatecan friars to seven including their Superior Fr. Gonzáles Rúbio.[7]

That real affection existed between Fr. Durán and Fr. Rúbio, the heads of the two missionary bands, is again made evident from the action of the former toward the latter and his subjects on a very important point. Fr. Durán, as all of the Fathers Presidentes of the missions previously, held the office of vicário foráneo to the Bishop of Sonora for Upper California. He now desired to have the Superior of the Zacatecans in the north participate in the honors and duties, and therefore, September 25th, 1838, petitioned the Bishop to confer the office upon Fr. González Rúbio for the district comprising the eight northern missions and white settlements. Bishop Lázaro de la Garza y Ballestéros acceded to the request, and under date of March 25th, 1839, wrote to Fr. Durán: "With regard to the eight missions which the Apostolic College of San Fernando ceded to the Rev. Fathers

[6] Hittell, i, 743; 788; Bancroft, iii, 357-358.

[7] Registers of the missions named.

from Zacatecas, Your Reverence may inform their Superior that I grant him and whoever may in the future be presidente, prefecto, or vicegerent of one or the other, as long as he is acknowledged by the other Fathers, the same faculties, including those of vicário foráneo, within the territory of the eight missions transferred to them. . . . The Holy Oils for both Californias will be directed to Hermosillo, where Your Reverence may send for them." [8]

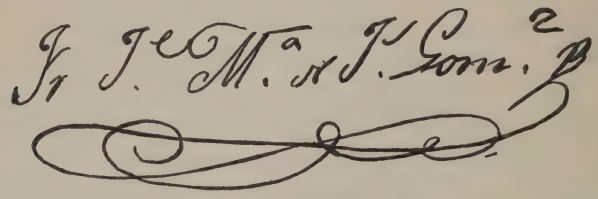
Fr. Durán on September 15th, 1839, transmitted a copy of the Bishop's letter with explanations to Fr. Rúbio, and, two days later, at some length urged him to accept the appointment without waiting for the approval of the College of Guadalupe, which, under the existing difficult circumstances, he might presume in order to avoid offending the Bishop, because, ere long, the Bishop named for California would relieve him. "Your *vicaría foránea* has been established absolutely independent of this one in the south, as I always desired," Fr. Durán wrote, "except in case of dispute, when I am empowered to act in your missions as well as in ours. On this point, however, Your Reverence need not worry, because I am very far from intruding in the field of another." Fr. Durán at the same time took occasion to thank Fr. Rúbio for four volumes of Barruel, and for two other works on the Supremacy of the Pope.[9]

Under date of October 18th, 1839, Fr. Rúbio accordingly thanked the Bishop for the appointment, and on the same date notified his Zacatecan friars by means of a circular in which he wrote: "Through the favor of the Very Rev. Commissary Prefect, Fr. Narciso Durán, I have received an official note from the Rt. Rev. Lázaro de la Garza, Bishop of Sonora, dated Culiacan March 25th, 1839, in which His Lordship deems it well to raise to a *vicariáto foráneo* the territory com-

[8] Bishop Ballestéros to Fr. Durán. "Sta. Barb. Arch." This difficulty of procuring holy Oils was one of the reasons urged by Fr. Durán and Fr. García Diego for the appointment of a Bishop for California.

[9] Fr. Durán to Fr. Rúbio, September 15th and 17th, 1839. "Sta. Barb. Arch."

prised in these ten missions that are subject to the College of Guadalupe. This is a most necessary and important matter, and I ought not to take a resolution with reference to it without first consulting our College; but in view of the fact that we are almost cut off from communication with our Superiors, and prompt obedience to the said appointment being urged upon me under pain of having these northern missions continue subject to the vicar in the south, I believed I might



Signature of Fr. José María de Jesus González Rúbio.

acknowledge the Rt. Rev. Bishop's favor and thank him for the vicariate with which he honors us." [10]

Next day Fr. González Rúbio notified the College that through Fr. Durán he had, on October 13th, received the documents conferring upon him the office of vicário foráneo for the northern part of California, and that the said Fr. Prefecto of the Fernandinos "had exhorted, begged, and persuaded" him to accept at once and to report to the College afterwards.[11] Fr. García Diego, as comisário-prefecto of the College, all the Fathers at Guadalupe agreeing, on February 1st, 1840, approved Fr. Rúbio's action.[12]

We must now see whither the young would-be-statesmen were piloting the ship of state, and how the missions with

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[10] Fr. Rúbio, "Circular," October 18th, 1839. "Libro de Patentes," Mission Santa Cruz.

[11] "El Rev. P. Fr. Narciso Durán, al hacerme dicha comunicacion, me exorta, ruega y persuade con poderosas razones, el que sin demora admita dicho vicariato, y escriba al Ilustrisimo Ordinario." Fr. Rúbio to the College. "Sta. Barbara Arch."

[12] Fr. García Diego to Fr. Rúbio: "Apruebo tu conducta sobre el assunto del vicariáto foráneo, y para consuelo te digo que ha sido de la aprobacion de todos los Padres."—"Sta. Barb. Arch."

the neophytes fared at their hands. Alvarado, as will be remembered, had been recognized by the impotent Mexican Government as temporary governor of the "Department of the Californias." On January 17th, 1839, he therefore ordered an election to be held in March for the selection of delegates who were to choose the representaives of the new legislative assembly and a delegate to the Mexican Congress. The governor also called an extraordinary session of the old assembly or junta departmental. This body met at Monterey on February 25th.[13] Those present, besides Alvarado, were Antonio Buelna, José Antonio de la Guerra, José Ramon Estráda, and Antonio Ósio who served as secretary. Manuel Jimeno arrived a few days later. Pio Pico was detained at San Luis Rey by sickness.

By the Mexican laws of December 29th, 1836, and March 20th, 1837, the republic was divided into twenty-four departments, and each department into districts. Upper and Lower California together constituted one department. The assembly made the requisite division, and Alvarado promulgated the decree on February 27th. It divided the department into three districts. The first extended from the Sonoma frontier to Mission San Luis Obispo inclusive. San Juan de Castro [14] was designated as the capital or headquarters of the district. The second reached from El Buchon, below San Luis Obispo, to the frontier of Mission Santo Domingo south of San Diego. Its capital was Los Angeles. The third district comprised Lower California with La Paz as its capital. The heads of these districts, a kind of petty governors, were styled prefects, and the districts were known as prefecturas. The latter were again divided into subprefectures. The prefects were appointed by the governor with the approval of the Mexican Government; the subprefects were named by the prefects and approved by the governor. Then there were ayuntamientos or town councils, alcaldes or justices, etc.

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[13] Hittel, vol. ii, 256, has January 25th.

[14] Mission San Juan Bautista. The new addition "Castro" found no favor with the people generally, and it is now entirely forgotten.

In accordance with the Mexican law on the subject, the legislative assembly proposed three candidates from whom the Mexican President might choose the permanent governor. The vote on March 6th resulted in the choice of Juan B. Alvarado, José Castro and Pio Pico. Next day the assembly adjourned. Alvarado immediately appointed as prefects José Castro for the first district, Cosme Peña for the second, and Luis Castillo Negrete for the third district or Lower California, and forwarded the names to Mexico along with those selected for the governorship. It seemed immaterial to the Supreme Government who ruled in California as long as it remained loyal to Mexico. None of the candidates may have pleased the President, but, doubtless, for the sake of peace, he on August 7th, 1839, approved the first on the list, Juan B. Alvarado. Peña was not approved for the office of prefect, but, as he had already resigned, José Tibúrcio Tapia was substituted and received governmental approbation. Mariano Vallejo was also remembered by the President, in that he received the appointment of "coronel de los defensores de la patria."

The electors chosen in March assembled at Monterey on May 1st, 1839, and, next day, elected Andrés Castillero delegate to the Mexican Congress, and Antonio M. Osio, substitute. On the 3rd of March, they selected as members of the legislative assembly Manuel Jimeno, José Tibúrcio Castro, Anastasio Carillo, Rafael González, Pio Pico, Santiágo Argüello, and Manuel Requena. The substitutes were José Castro, José Ramón Estráda, Ignácio del Valle, Carlos Castro, Ignácio Martínez, José J. Vallejo, and Antonio M. Pico. No sessions were held during that year, however.[15]

"In these months, July to September, Alvarado, as was often the case during his rule, was unable to attend to his official duties on account of illness, and his secretary, Manuel Jimeno, acted as governor much of the time, especially in July; however, in August, Don Juan Bautista had sufficiently

[15] "Cal. Arch.," Sup. Gov. St. Pap. xxi, 289; Dep. St. Pap., San José, v, 229; Dep. St. Pap., Monterey, iii, 192; v, 413; Dwinelle, Addenda, no. lxix, 100-101; Bancroft, iii, 584-594; Hittell, ii, 258-263.

recovered his health to marry Doña Martina, daughter of Francisco Castro. The marriage took place at Santa Clara on August 24th, 1839, but Alvarado was not present, being represented by José Ant. Estráda. Eight days later, the bride came to the capital, where the festivities lasted several days." [16]

Now that Alvarado and Vallejo were secure in the possession of the positions they had coveted, the old saying about thieves falling out became true, in a measure, regarding this precious pair and others of their clan. They had already begun to distrust each other before the news of their appointment had reached California. Vallejo expected to have a voice in the affairs of the territory. With him the military was paramount, and he therefore demanded that his department should be put on a sound footing before any other reforms were introduced. Alvarado, on the other hand, was disposed to regard his uncle Vallejo's importunities as unwarrantable interference with the affairs of the state. He even discharged certain officers without consulting Vallejo, and, at Santa Barbara, allowed a soldier to be tried and punished for some offense by a civil magistrate. This roused the ire of Vallejo, who loudly protested that the jurisdiction over the soldiers belonged to him, and that such proceedings were an outrage upon what he ridiculously called the "divine right of the military";[17] but here the governor differed with him decidedly. Alvarado held the military authority to be subordinate to the civil authority, and he expected Vallejo to use the troops as directed, to preserve order and protect the country.

The military commander was further incensed at the governor for remaining indifferent when war had been declared

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[16] Bancroft, iii, 593. Fr. González Rúbio, after the dispensation from the banns had been obtained, performed the ceremony in private. The witnesses were José Ramón Estráda and his wife Maria Castro. See Libro de Matrimonios, Mission Santa Clara, p. 189. Copy of the certificate of marriage in Vallejo's "Documentos," xxxii, 293, Bancroft Collection.

[17] "ultrajando asi el fuero divino de la milicia."

against Mexico by France, and the French newspapers boasted that the French flag would flutter over the Mexican dominion to the northermost ends of California. He determined to show that he, at least, would not submit to such insults. Accordingly, on June 12th, 1839, from his headquarters at Sonoma he issued a furious proclamation against the French government. At the same time he called upon his fellow citizens to unite with him and march to the defense of the country, which, of course, was in no danger whatever. Vallejo promised a glorious victory over the haughty invader who impudently sought to overwhelm them with opprobrium.[18] Unfortunately for the prospect thus held out of giving France a thorough drubbing, the ink with which this vengeful proclamation had been printed was scarcely dry, when the news arrived that an honorable peace had been concluded between Mexico and the king of the French.[19] Naturally, the doughty "general" annoyed the governor not a little. Nor were Alvarado's secretary, Manuel Jimeno, and José Castro especially well disposed toward Vallejo.

The chief difficulty arose from the distribution of the booty, that is to say, the revenues. The army, as military men believed, was not receiving its share, and each company, in the opinion of its officers, was being defrauded. "Both in the south and to some extent in the extreme north," says Bancroft, "the 'Monterey clique,' or the 'clique at the capital,' was charged with spending the public moneys almost exclusively for the benefit of local interests and for personal friends. To what extent these charges were well founded, it is impossible to determine. Alvarado . . . . was certainly subjected to influences not favorable to an impartial distribution of the revenues, or to a wise administration of the public interests." [20]

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[18] "Yo os aseguro que concentradas así nuestras fuerzas y uniformada la opinion, todos de acuerdo repeleremos á los que con oprobio quieren humillarnos."

[19] Hittell, ii, 260-261; Bancroft, iii, 592, 595-600.

[20] Bancroft, iii, 591-592; 597. Duties collected in 1839 from one vessel alone, the "California," amounted to $25,129, of which sum, Vallejo complains, the soldiery received only $10,000.

"Vallejo accused Ábrego, who had charge of the territorial finances, for not dividing the revenues equally between civil and military employees, as the law required. He often called for exact statements of the division, denied the governor's right to interfere in military accounts, and gave his communications the form of positive orders. Ábrego, on the other hand, delighted in the governor's interference against the 'autocrat of Sonoma,' called upon Vallejo to show his commission as comandante-general or to be content with a captain's pay. Vallejo's refusal to show his commission was mainly to snub the comisario doubtless; possibly he also wished to conceal the fact that his title in that document was *comandante-militar,* and not *general.*" [21]

The legislators elected May 3rd, 1839, at last, assembled at Monterey on February 16th, 1840. In accordance with the Mexican law of May 1837, they resolved to establish a kind of supreme court. This was a matter of prime necessity indeed, but, as organized and conducted, it amounted to little or nothing. Juan Malarín, José A. Carrillo, José A. Estudillo, and Antonio M. Ósio were selected as justices. Juan Bandini and Mariano Bonilla were appointed fiscal or attorney and secretary respectively. Only the latter, according to Bancroft, had any legal knowledge. Two years passed by before this court assumed its duties. Bandini and Bonilla then declined to serve, and were replaced by J. M. Castañares and Narciso Botello.[22]

There was no occasion to legislate on the missions, for these establishments were now entirely in the power of the conspirators and their henchmen. Manuel Jimeno, however, wanted Monterey definitely declared the capital of California, with the title of city. This proposition was adopted against the violent protest of Pio Pico, who insisted that Los Angeles should be substituted. Alvarado later had some troubles with the southern clique headed by Pico, and his uncle Mariano

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[21] Bancroft, iii, 601-602.

[22] Alvarado's Proclamation announcing the election of the justices, March 18th, 1840, in "Thompson's Collection"; Bancroft, iii, 604-605; Hittell, ii, 264.

Vallejo also annoyed the governor; but resolute measures soon brought the ringleaders to terms.[23]

Much ado was made about an American backwoodsman named Isaac Graham, who with others of his kind had found his way to California, and had settled down near Branciforte opposite Mission Santa Cruz. The distilling of whisky from wheat seemed to be his chief occupation. His disorderly associates organized a company of riflemen and made him their captain. When Alvarado revolted against Gutiérrez, he enlisted the services of these Americans, and they also aided him against the Carillos. Graham and his men, it seems, would not let the governor forget these services. Annoyed beyond endurance, as he claimed, Alvarado determined to rid himself of the whole band. A welcome opportunity arrived in April 1840. In a letter of the 3rd of that month, Fr. José Suárez Reál, in charge of the spiritual affairs of the Indians and whites around Mission San Carlos and Monterey, informed the governor that "the Americans in the territory in a few days would start a rebellion, kill most of those in authority, take the principal places, and after the manner of the Texans possess themselves of the country."[24] Though the Father declares that he had for many days hesitated to say anything about the plan, and that there was no doubt that he, Fr. Mercado and Fr. Quíjas, for unknown reasons, were to be included in the slaughter, we believe that Fr. José Reál was imposed upon. However, a certain William R. Garner is said to have confirmed the existence of a plot, and to have named Graham as the chief conspirator. "It is not clear," says Bancroft,[25] "whether Garner gave the testimony voluntarily to favor Alvarado and Castro, to prevent an outbreak, or to gratify some personal dislike, or was induced to confess by stratagem or threats on the part of Castro."

At all events, the governor directed José Castro to arrest Graham and his friends on the ground that they were con-

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[23] Bancroft, iii, 604-607; Hittell, ii, 264-266.

[24] Fr. J. Reál to Fr. González Rúbio, April 28th, 1840, embodying letter to Alvarado. "Sta. Barb. Arch."

[25] "California," iv, p. 5.

spiring to seize the territory. The unsuspecting Tennesseean and his men, to the number of fifty or sixty, during the night allowed themselves to be surprised at their usual resort. They were then taken to Monterey, placed on board the *Jóven Guipuzcoana*, in command of Captain José A. Aguirre, and sent to Mexico. Castro with seven men went along to prosecute them before the Supreme Government. The prisoners remained there until early in 1842, when the representatives of the United States and England demanded the release of the Graham company, since nothing had been shown to justify their arrest or detention. The Mexican Government agreed to the request, and even deemed it politic to fit the prisoners out in fine style, pay their expenses, and send them back to Monterey, where they landed in July 1842.[26]

The disturbances raised by Graham and others caused Alvarado, about the middle of 1840, to have a census taken up of all the foreigners in the territory. It was found that sixteen *estranjéros* or foreigners resided at San Francisco; thirty-one at San José, ten at Branciforte, about thirty at Monterey, thirty at Santa Barbara, twenty-three at Los Angeles, and seven at San Diego. The lists included only such as had been naturalized or who were licensed to live in the country. Numerous others, however, chiefly Americans, were scattered around in various places, mostly north of San Francisco Bay. "Some were hunters and trappers. A few made it their business to join vagabond Mexicans at horse stealing, which appears to have been a comparatively safe occupation for all except Indians. The latter were usually pursued and as many shot down as could be. In June 1839 the ghastly head of one of them, who had been decapitated, was stuck up as a warning in the plaza of Santa Clara. In April, 1840, Vallejo, in giving an account of a bloody expedition which he had just conducted against the Indians in the neighborhood of Sonoma, intimated that they were horse-thieves connected with the

[26] Bancroft, iv, 1-41; Hittell, ii, 266-273; Robinson, 181-191; Gleeson, ii, 148-152.

hunters and trappers of the Sacramento Valley, and thus justified himself for the slaughter he had made." [27]

In this connection, we may as well give the whole number of inhabitants in 1840. To this must be added the number of foreigners as stated. The total known population, then, was estimated as follows:

San Diego District, whites, one hundred and fifty; neophytes at the missions, in private service and in towns, two thousand two hundred and fifty. Of gentiles and of fugitive neophytes, as in other periods, the number cannot be given.

Los Angeles District, including San Gabriel and San Fernando missions, white settlers, eighteen hundred, that is to say, about 1100 in the city and 700 in the surrounding country and missions; Indians about 1500.

Santa Barbara District, which included San Buenaventura, Santa Barbara, Purisima and Santa Inés missions, white people, nine hundred; neophyte Indians, about fifteen hundred.

Monterey District, including San Luis Obispo, San Miguel, Soledad, San Antonio, San Carlos, Santa Cruz, and San Juan Bautista missions, white settlers and soldiers, sixteen hundred, of whom about seven hundred lived at Monterey; Indian Christians, seventeen hundred and forty.

San Francisco District, which comprised the pueblo of San José and the missions of Santa Clara, San José, San Francisco, San Rafael, and San Francisco Solano or Sonoma, white population thirteen hundred and thirty souls, of whom 750 resided at San José and 200 at Sonoma; neophytes, about two thousand and three hundred, of whom 1250 were at the missions.[28]

Let us now see how the confiscated missions fared after the paisano chiefs had wrested these establishments from the control of the faithful guardians of the neophytes. We shall let the enemy of the missionaries describe the consequences of greed and irreligion. "The essential conditions for carrying

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[27] Hittell, ii, 275-276.

[28] Bancroft, iii, 611; 633; 649; 667; 698.

into effect wisely the reglamento of secularization," [29] Bancroft introduces the subject, "did not exist in California, and (so) failure was inevitable.[30] If there had been a possibility of partial success, it disappeared with the outbreak of Alvarado's revolution in 1836, or rather with the sectional opposition to Alvarado's rule in the following years. A wise and honest administration of the mission interests, difficult under the most favorable circumstances,[31] became impossible during the struggles of rival factions. Since 1810 the missions had been obliged to make up in one way or another the large deficiency of revenue for expenses of the government, civil and military; and of course they had to do so still, now that a large portion [32] of the mission property had by secularization been set apart as a public fund. That a ruler struggling to maintain his power should not have drawn on that fund without limit would be too much to expect of political human nature in any country or any age.[33] The government had rights [34] as well as the Indians; but as usual in the earlier and later times the rights of the natives were practically disregarded. The demands for supplies were more frequent and larger than ever before; and the productiveness of the mission estates was largely diminished. In ordinary times of public tranquillity, it would have been difficult to select twenty-one

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[29] The act of confiscation which the paisano chiefs compelled Figueroa to issue. See preceding volume, page 523. The Mexican decree of August 17th, 1833, reserved all the property for the Indians. That is the reason why the paisano leaders were dissatisfied with it and substituted their own act.

[30] Why then did Bancroft advocate or approve the measure? The sole reason with him was that the founders and successful managers of the missions were Catholic religious.

[31] The honest friars found it not difficult, save for governmental interference and paisano greed.

[32] Nay, the whole property of the Indians was laid under contribution and the labor of the Indians likewise.

[33] Strange ethics. Governments, save those of "liberal" tendencies in German and Latin countries, usually offer compensation.

[34] not any more rights over the Indian property than over that of the white people.

men qualified to administer honestly and judiciously the estates[35] under the careful supervision of higher authorities.[36] Now not only could there be no supervision, and the majordomos and administrators were, like other classes, affected with the prevalent controversies; but, worse still, these positions, the only ones of value at the governor's disposal, had to be bestowed as rewards for political support, with slight regard for the fitness of applicants or acts of incumbents.

"All happened exactly as might have been anticipated. All writers and witnesses, both Californian and foreign, who mention the subject, are unanimous in describing Alvarado's rule, from 1836 to 1842, as a period of plunder and ruin in mission history. So uniform is their testimony, that there is no need to cite individual expressions of opinion.[37] The methods of mission spoliation at this period were substantially as follows: The governor, and subordinate officials by his authority, used the cattle and grain of the missions as freely as they used the revenues from other sources. If the government contracted a debt to a trader, the governor gave in payment an order on any mission for wheat, tallow, or hides, just as he would draw a check on the treasury. The majordomo, being an employee of the government, obeyed the order as a rule whenever the articles called for existed at his mission. There were occasional refusals and pleas in behalf of the Indians, but of course these pleas were much less frequent and less zealous than those of the friars in earlier times. How far, if at all, beyond the limits of strictly public expenses the departmental authorities went in their drafts upon mission property, it is hard to say. The most extravagant and sweeping charges are made of a deliberate plunder and distribution of the spoils by Alvarado among his friends; but no proofs are

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[35] The friars had managed them honestly and judiciously, as all admit, for more than sixty years. Why were they not left in charge?

[36] The higher authorities were themselves the culprits!

[37] Bancroft gives a list of such authors whom we need not quote here. The documentary evidence is sufficiently ample. A few specimens will be reproduced presently.

presented, the charges have always been denied by Alvarado and urged mainly by his enemies. One charge, however, is supported by evidence in the archives and by the governor's own admission, namely, that of having authorized loans of mission cattle to private individuals, on condition that a like number of animals should be returned later. Alvarado had certainly no right to make these loans; but he defends his action on the ground that he had no other means of rewarding men for patriotic services [38] to the country, often involving the loss of their property and neglect of all their private interests.[39] The worst feature of these transactions was that *in nine cases out of ten the loans were never repaid to the missions.*" [40]

The following samples illustrate the methods employed by Alvarado and pointed out by Bancroft. October 11th, 1838, José Vallejo, administrator of Mission San José, writes to Mariano Vallejo: "Under date of September 20th, the governor tells me that I should strain every possible resource, and put at your service $2000 as my share of the loan which is to be made to the establishments of the north. I inform you of this so that you may give credit to the establishment in my charge for that amount." [41]

October 17th, 1838, the administrator of San Rafael, Timothy Murphy, writes to Mariano Vallejo: "By order of the governor of the 20th of last month it was determined that this establishment should place at your disposal the sum of $500. I have at present neither money, nor hides, nor tallow; therefore I supplicate you to tell me in what manner I can raise the amount." [42]

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[38] that is to say, for aiding Alvarado in securing control.

[39] It would be interesting to learn which of the paisanos sacrificed any part of his property purely for the good of the country or the Indians.

[40] Bancroft, iv, 48-51. The italics are ours.

[41] Mariano Vallejo, "Documentos," tom. v. in Bancroft Collection.

[42] "De Orden del Señor Gobernador, fecha 20 del mes pasado, ha determinado que este establecimiento ponga á disposicion de Vd. la cantidad de quinientos pesos. Yo no tengo por ahora ni

December 15th, 1838, José Estráda of Mission Santa Clara addressing Mariano Vallejo says: "By an official letter, dated September 20th, the governor of the territory directs that I should place at your disposition the sum of $1000. I understand that this amount is to be in produce. I have therefore to tell you that I can have ready three hundred fanégas [43] of wheat and one hundred and fifty hides about the end of the present month." [44]

May 5th, 1839, José Estráda of Santa Clara reports "having delivered to Captain Rowen of the ship *California* all the flour that he had on hand, in virtue of an order from the governor which said Rowen presented, but that he would not take the grain nor the twenty-five quintals of galletas." [45]

June 5th, 1839, José Estráda, administrator of Santa Clara, informed Governor Alvarado as follows: "In virtue of an order of the government [46] relating to the present matter, I send ten Indians with two carts of provisions. I do not send the soap and the manteca which you demanded, because I have it not on hand." [47]

September 23rd, 1840, Ignácio Alvíso, administrator of Santa Clara, writes to the governor: "I have received your command of the 6th in which you direct that I should place to the order of Juan Malarín eleven kegs of tallow, and hereafter the whole product of the weekly slaughter to Miguel Pedrorena." [48] On the same date he notifies Alvarado: "I have complied with your order of the 14th of last month,

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metalico, ni cueros, ni cebo, por lo que tanto suplico á Vd. me diga en que cosa tengo que satisfacerlo." Vallejo, "Documentos," tom. v. Murphy was an Irishman from Lima, Peru. "As compared with other administrators he was a faithful guardian of the neophyte interests." Bancroft, iv, 750.

[43] The fanéga was equivalent to one hundredweight or more.

[44] Vallejo, "Documentos," tom. v.

[45] "Cal. Arch.," St. Pap., Missions ix, 540-541.

[46] Alvarado himself.

[47] "Cal. Arch.," St. Pap., Missions ix, 539.

[48] "Cal. Arch.," St. Pap., Missions ix, 523.

that I should slaughter one hundred and sixty cattle in order to pay Thomas Shaw $500 which are due him." [49]

This will suffice for the present. What strikes us as most remarkable is that these missions were burdened, and the Indians of course compelled to labor from morn till night under the unsympathetic administrators, notwithstanding that the governor collected considerable sums from merchant vessels. For instance, during the year of 1839 the customhouse at Monterey received $87,592 custom duties. In the year 1840 the sum amounted to $65,899.[50] What became of all this money, when there was no end to the forced contributions of the twenty-one missions? Why were not the white settlers taxed in proportion? Vallejo, indeed, claims that he paid much out of his own pocket; but whence did it enter into his pocket? Preceding orders on the missions would seem to take all the merit out of his claim. Moreover, he lorded it over the whole Sonoma district and any number of neophyte Indians, as well as pagans, who had to do his work for nothing more than food and clothing. Lest we be accused of injustice, we shall, in the next chapter, reproduce a description of life in Vallejo's household at Sonoma. It was drawn up by Manuel Tórres in 1844, nine years after the confiscation of the missions, which Vallejo called the deliverance or emancipation of the Indians.

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[49] "Cal. Arch.," St. Pap., Missions ix, 525.

[50] Bancroft, iv, 93-106. May 10th, 1839, Alvarado informs Vallejo that the revenues of that year would be sufficient to pay all expenses and leave a surplus. Bancroft, iv, 100. Why then were the missions mulcted?

## CHAPTER VIII.

Mariano Vallejo Keeps the Indians in Bondage.—Manuel Torres's Description.—Vallejo Reverses Himself.—The Mission System and His System.—Illegal Disposal of Mission Cattle.—The Administrators and the Missionaries.—The Chief Sufferers.—Bancroft's Senseless Animosity.—Alvarado's New Reglamento.—Shifting the Blame.—Inspector W. Hartnell.—What He Discovered at the Various Missions.—Difficulty of Making Reforms.—At Santa Barbara.—The Missions to the North.—Mission San José under José Vallejo.—Dolores, San Rafael, Solano.

"IN 1844 I visited General Vallejo at his residence in Sonoma," Manuel Tórres tells us. "I found the patio of his grand house full of servants of both sexes, but in the group the women predominated. Not accustomed to such a sight, I asked the General's wife with what so many Indians were occupied? She replied: 'Each one of my children, boys and girls, has a servant who has no other duty than to care for him or her. I have two for my own personal service. Four or five grind the corn for the tortillas; for here we entertain so many guests that three could not furnish enough meal to feed them all. About six or seven are set apart for service in the kitchen. Five or six are continually occupied in washing the clothes of the children and of the rest employed in the house; and finally, nearly a dozen are charged to attend to the sewing and spinning; for you must know that, as a rule, Indian women are not much inclined to learn many things. For this reason she who is taught cooking will not hear of washing clothes, and, on the other hand, a good wash-woman will regard herself insulted if she were to be compelled to sew or to spin. All these servants whom we have in the house are very much attached. *They are not accustomed to ask us for money, nor do they have any fixed wages.*[1] We give them all they need. When they are sick

[1] "No acostumbran pedirnos dinero ni tampoco tienen sueldo fijo."

we care for them as though they belonged to the family. When their children are born, we act as godfathers and godmothers, and we take charge of the education of their children. When they want to go some great distance to see their relatives, we give them animals and guards for the journey. In a word, we treat the servants as friends rather than as servants.'" [2]

So here we find Vallejo actually continuing the method which he and his confederates had denounced as an injustice to the Indians, when in charge of the Fathers, on the ground that the neophytes labored for food and clothing only, but received no money! The difference, however, was material. In the missions, the Indian earnings went into the common fund for the benefit of the neophytes, whereas, in the case of Vallejo and other California landlords, the profits went into the pockets of said philanthropic landlords. The friars, indeed, as the whole history demonstrates, were removed for no other purpose; for the conspirators knew very well that the neophytes could not manage property to their own advantage. Vallejo, for instance, on October 12th, 1835, a month after Figueroa's death, wrote to the temporary governor, José Castro: "Not all the Indians, who call themselves neophytes at this place,[3] are capable to enjoy the liberty conceded to them of which the 'Reglamento Provisional de Secularizacion' speaks, or of having the property allotted to them to be managed by themselves, because that would be the cause of their own ruin." [4] This was true of all the missions. Why then were the missionaries, who served without compensation, not left in charge? For the reason that the California chiefs wanted the management of the Indians and their property for themselves. It was thus that the conspirators acquired much of the lands and herds which they claimed as their own. It was ill-gotten property, and therefore, save in rare cases and then much diminished, it did not

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[2] Manuel Torres, "Peripecias," 52-53. Bancroft Collection.

[3] San Francisco Solano, or Sonoma.

[4] Vallejo, "Documentos," iii, 43.

come down to the descendants of the mission despoilers, as we shall learn in time.

Returning to the looting of the missions, we observe that another kind of order on this property, which especially offended the sense of justice of H. H. Bancroft, was the command to loan live-stock. The same José Ramón Estráda, so frequently mentioned, who was the stepfather of Alvarado, and himself one of the notorious legislators, on April 3rd, 1839, wrote to the governor: "Whilst obeying the order contained in the official note which it pleased Your Honor to address to me under date of the second of last month, whereby you direct me to turn over 3000 lambs from this establishment to that of Sonoma[5] by way of loan for five years, the Indian alcaldes presented themselves to me in the name of the Indians, and petitioned me to state to Your Honor that it does not seem just to them that they should go naked, as they are indeed at present, in order to help others; for it is about a year since anything has been given them;[6] wherefore they are of the opinion that by carrying away such a considerable number of lambs they themselves must suffer the want of this wool for making blankets, sarapes, and cloth with which to cover themselves. Likewise, they complain that such extortions are made, and they say that afterwards other extortions will follow, and that by and by they shall find themselves in the condition of other missions, without even having anything to eat. For this reason, I have ordered a suspension of the delivery of the said lambs, until Your Honor has been informed of what has occurred, and I await your resolution."[7]

"As to the comisionados, majordomos, and administrators, who successively managed the missions," Bancroft confesses, "many were simply incompetent and stupid, exhausting their little energy and ability in the task of collecting their salary,

[5] This was where Mariano played the petty king.

[6] "que no les parece justo, que por auxiliar á otros, se queden ellos en cueros, como lo estan hasta al presente, pues va á hacer un año que nada se les da."

[7] "Cal. Arch.," St. Pap., Missions ix, 537-538.

filling the governor's orders so long as the granaries and herds held out, exercising no restraint or influence on the ex-neophytes, and allowing the affairs of their respective establishments to drift—not, as may be imagined, in the direction of general prosperity. Others were vicious as well as incompetent, always ready to sell any article of mission property, not only live-stock, but kitchen utensils, farm implements, tools from the shops, and tiles from the roofs, for money with which to gratify their propensity for gambling. Still others were dishonest and able, devoting their energies to laying the foundation of future wealth for themselves and friends, oppressing the Indians, quarreling with such padres, officials, and assistants as they could not control or deceive, and disposing of the mission wealth without scruple, for their own interests. Finally, there were, I suppose, some honest, faithful, and tolerably efficient managers, who did as well as was possible under difficult circumstances. Every narrator names a few of his relations or friends as exceptions to the general rule of rascality and incompetence."[8] The situation must have been frightful, indeed, when even the hardened Mariano Vallejo could be driven to exclaim: "I believe that, in order to get rid of the rascally administrators, the missions will be returned to the friars; and then that 'Ronda de Cabrones' may go to rob the devils."[9]

"Of the padres[10] a few accepted the new situation and made the best of it, striving to reconcile discordant elements, retaining a degree of influence over the Indians, for their spiritual and temporal welfare, and ever ready to aid with their counsel any person high or low in station who would listen. Friars of another temperament, soured and disappointed, retired sullenly to the habitations assigned them by

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[8] Bancroft, iv, 51-52.

[9] "Creo que para quitar á los administradores pícaros se volverán las misiones á los frailes, y entonces esa Ronda de Cabrones irán a robar á los diablos, y no habia tanta viaje por esa causa." Vallejo to his brother, May 1st, 1838. "Documentos," xxxii, 131.

[10] We prefer to let the enemy of the friars complete his confession of bankruptcy of the "secularization" system.

the law, avoided all controversy and intercourse with the world, and mechanically performed the duties of parish priests for all who made application. Others assumed a belligerent attitude, quarreled with everybody[11] and protested against everything on every possible occasion—too often with ample cause.

"Finally, I come to the Indians—the real victims, as they always have been in their contact with civilized peoples.[12] In some instances the ex-neophytes, or a majority of their number—from force of habit, inherent stupidity, or influence of the padres—were kept together and at work much as in former years. Those to whom property was distributed, as a rule, made no good use of it. The cattle required care; the tools implied work; and it was generally deemed best to convert all as rapidly as possible into liquor, steal cattle and various articles as needed; and, when all was gone, and the vigilance of local alcaldes interferred with the pleasures of a vagabond life about the towns, to decide between a return to mission labor or flight to join the gentiles. Pilfering and drunkenness increased rapidly, as did the ravages of syphilitic disease, and relapse to barbarism. At the missions [under the hired administrators] but little attention was paid to the welfare of the ex-neophytes, who were practically regarded as slaves, and often most cruelly treated. The large numbers hired out to ranchéros and town people as servants were perhaps more comfortably situated than any of the rest.[13] Yet

[11] It would be strange if Bancroft told a story about the friars without giving vent to his spite. However, he refers to the Zacatecans some of whom resented insults more quickly than the Fernandinos.

[12] Yet Bancroft found fault with the friars for necessarily segregating the Indians in order to preserve them from disastrous contact. This feature of the Franciscan missionary system is copied by the United States Government in the Indian reservations. Bancroft would have found fault with the friars no matter what methods they had adopted.

[13] Yet Francisco M. Alvarado on March 28th, 1836, argued that Indians could not be controlled except by flogging, and that he ought not to pay the fine of $75 for whipping his Indian servant. Bancroft, iv, 53-54.

such was the inherent stupidity of the native Californian character that no great revolts or outrages have to be chronicled. Thousands toiled patiently on year after year, and the evidence is but slight that any great number realized that their lot was a hard one."[14] Bancroft's assertion that the poor neophytes scarcely realized that their lot was hard, is contrary to the truth, as will be shown in the local record. The complaint of the Indians of Mission San José, quoted a few pages back, shows that the natives felt their degradation and heartless treatment keenly; but they were helpless. For this reason, but chiefly because they beheld their spiritual guides suffering similar indignities, and yet submitting to the inevitable silently, those neophytes made it unnecessary for Bancroft or any other historian to chronicle revolts or outrages.

Bancroft, furthermore, asserts that "in no respect had the mission system left them (neophytes) better qualified to perform the duties of citizenship than in 1769."[15] That is flying into the face of history, which shows that the neophytes had made remarkable progress since 1769. Nevertheless these Indians were not sufficiently qualified for full citizenship in 1834, because it required more than from ten to fifty years to put them on a level with intelligent white people. It had required much more time for the ancient ancestors of Bancroft and other bigoted writers to qualify themselves for the performance of the duties of citizenship. The Fathers, and every sincere friend of the Indians, had predicted such an outcome: it had been experienced in Lower California; but greed, and ill-will towards the friars for balking the game of plunder, insisted on confiscation and on "liberating" the neophytes. To blame the missionaries, then, for not having qualified their wards augurs senseless animosity towards the men in the religious habit (their only crime), who rarely possessed full control independent of meddling governors and vicious sol-

[14] Bancroft, iv, 51-53.

[15] Bancroft, iv, 52. It is hard to believe that a man in his sober senses could make such a wild statement. How bigotry does blind!

diers. However, after nearly a century in the charge of others, it does not appear that the natives of California, or elsewhere, can hold their own against white greed, liquor, and seduction, or govern themselves without assistance from the Government of the United States. At all events, the system of hired administrators, according to Bancroft's own statements, simply drove the poor Indians back into barbarism or to destruction.

The disastrous results of the four years' raid on the mission property, at last, shamed the governor into making some efforts to keep alive the goose that laid the golden eggs, and at the same time to redeem himself and greedy party in the eyes of the world. On January 17th, 1839, Alvarado, therefore, issued a new Reglamento Provisional comprising a preamble and seventeen articles as follows:

"Juan Bautista Alvarado,

"Temporary Governor of the Department of the Californias.

"The fact that, in due season, there were not published any regulations to which the management of the mission administrators ought to have been subject from the moment that the so-called secularization was commenced, has been the cause of evils with dire consequences to this Upper California, in that the employees authorized, without restrictions, to dispose of the property in their charge, were ignorant of the manner which should have been observed with regard to the dependence in which they stand towards the civil government. For this reason, and because the Most Excellent Junta Departamental, at present not being in session, cannot be consulted as to what is expedient in such circumstances, and it being evident that the Reglamento of said secularization [16] could not and cannot have its effect on account of the positive evils which followed its execution as experience itself demonstrates, this government has determined, in consideration of the pitiful state in which to-day the property is

[16] Figueroa's act of confiscation and the assembly addition of November 3rd, 1834. See preceding volume, pp. 523-532. "Halleck's Report," Appendix no. 14, pp. 149-153; no. 15, pp. 153-154.

found,[17] to prescribe provisional rules which said employees shall observe by submitting to the following articles:

"Article 1. All individuals who have acted as administrators of missions, will, as soon as possible, present to the government for due inspection the accounts which concern their administration, excepting the persons who have already done so.

"Art. 2. The administrators now in charge who, when they relieved their predecessors, may have received said documents belonging to the archives, will have to deliver them to the persons concerned, who in virtue of the foregoing article will, as being solely responsible, forward them to the government.

"Art. 3. The said employees will likewise remit the accounts that pertain to their management down to the end of December last year, no matter when they began to exercise their duties.

"Art. 4. The said officials will remit, as soon as possible, an itemized account of what is due them and of the debts which, at different periods, have been contracted on account of the property in their charge.

"Art. 5. Under no title or pretext whatsoever shall they contract debts, whatever may be the object of such action, nor make sales of any kind, either to foreign merchants or to private individuals of the country, without the previous knowledge of the government; whatever may be done to the contrary shall be null and void.

"Art. 6. The amounts due from the establishments to merchants and private individuals cannot be paid without an express order from the government; to this must likewise be sent an account of all kinds of property at each mission by means of which it has been customary to make such payments.

"Art. 7. Without the previous permit of the same government [18] no slaughter of cattle shall take place, except as much as is necessary for the maintenance of the Indians and the ordinary consumption of the house; even with respect to this,

[17] "en consideracion al estado lastimoso en que hoy se encuentran las fincas."

[18] By government the governor himself is to be understood throughout.

the individual in charge will see that, as far as possible, no female animals be killed.

"Art. 8. The traffic of mules and horses, in exchange for woven woolen goods, as hitherto carried on in the establishments, is absolutely prohibited. In order to avoid it, the persons in charge will put the looms in operation so that the needs of the Indians may be satisfied.

"Art. 9. At the end of each month, they will send to the government a statement of the ingress and egress of all the products which they may have stored or distributed, but they will see that the Indians are at all times provided from such products after the customary manner. For this purpose the administrators are empowered to supply them with what is produced in the establishments.

"Art. 10. The administrators will this year proceed to construct a building at the expense of the establishment, which shall serve them for a habitation, choosing a place which to them may seem most suitable, in order that they may vacate the quarters which they now occupy.[19]

"Art. 11. They shall not permit any individual of those called *de razon* (white people) to settle at the establishments as long as the Indians live in community.

"Art. 12. They shall at an early date present a list of all the members of the establishment, stating the class and age, for the purpose of forming general statistics. They will likewise mention those who are emancipated and established on lands of said establishments.

"Art. 13. They will likewise transmit a report of all persons employed in their service, stating the monthly wages which they enjoy in accordance with the orders which may have been given them, including the salaries of the Rev. Fathers, with a view to regulate them according to the means of each establishment. These salaries shall not be paid now nor hereafter in live-stock.

"Art. 14. The administrators will, under the strictest responsibility, comply with these regulations with the under-

[19] This order was doubtless the effect of Fr. Durán's determined protest on the subject.

standing that, within the space of a month, they shall forward the reports demanded.

"Art. 15. The government will continue to make regulations concerning everything that may be conducive to the order which should control the establishments, as likewise with regard to the method which the employees shall observe in rendering their accounts.

"Art. 16. For the examination of said accounts and everything else relating thereto, the government will appoint an individual to act as inspector with sufficient salary to be paid out of the funds of said establishments. This individual will establish his office at a place designated by the same government which will issue the regulations in due time.

"Art. 17. The establishments of San Carlos, San Juan Bautista,[20] and Sonoma,[21] shall not be comprehended in the provisions of this reglamento. Regarding them the government will give special regulations. However, the employees, who at different times may have managed the property, will be subject to the regulations in Articles 1 and 2." [22]

Such legislation came rather late. It was, as Bancroft confesses,[23] like putting up the bars after the cattle had escaped. Moreover, it was unfair in Alvarado to shift the blame for the ruin of the missions upon his henchmen, the administrators. The fault lay with him and his associates in power; for the orders upon the missions for supplies continued as before he issued this edict. The administrators had but to execute his will. They with their numerous families and relatives were parasites, it is true; but it was he that, by means

[20] José Castro ruled there, and must, of course, remain unmolested.

[21] Here Mariano Vallejo lorded it in absolute independence.

[22] The original in the Santa Barbara Archives measures 12½ by 65 inches, and is signed by Alvarado and Manuel Jimeno. The document was issued at Santa Barbara. See copy in "Halleck's Report," Appendix no. 17, pp. 154-156; in Dwinelle, Addenda, no. xxxvii, 55-56, who, like Halleck, has no. 17 in the place of no. 13. Bancroft's synopsis follows the Dwinelle enumeration. Hittell has but a synopsis of the contents.

[23] "California," iv, 58.

of said orders, carried away the property wholesale it matters little whether or not he benefited by such robbery. As the reader will see by turning to pages 133-135, four of the seven orders for supplies from the missions were issued long after the Reglamento Provisional reached the administrators, or majordomos as he had them called; and these orders, it will be observed, are only specimens. The local narrative will reveal more iniquities.

For the position of inspector of the missions, Alvarado made a very good selection in the person of William E. P. Hartnell, an Englishman, who had become a naturalized citizen in 1830.[24] He was appointed January 19th, 1839, at a salary of $2000, which was to be paid pro rata by fifteen of the missions according to their reputed wealth. San Buenaventura, Santa Barbara, San Luis Obispo, Purisima, San Miguel, San Antonio and San Rafael were accordingly assessed fifty dollars each. San Francisco paid seventy-five dollars; San Luis Rey and San Gabriel contributed each one hundred and fifty dollars; San Fernando and Sonoma, each two hundred dollars; Santa Inés and Santa Clara, each two hundred and fifty dollars; and San José Mission, three hundred dollars.[25] Thus the overburdened neophytes were compelled to shoulder another load for the blessing of having been "emancipated" from the rule of the friars. It will be remembered that, under the mission system, not only were no salaries necessary for administrators and no parasite families boarded, but the Fr. Presidente visited or inspected the missions annually without any cost whatever to the neophytes.

In virtue of his instructions, which were issued in eleven articles on April 24th, Hartnell was required to visit each mission, systematize the management in a general way, hear

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[24] Hartnell, born in England 1798, arrived in 1822, became a Catholic in 1824, and married a daughter of José de la Guerra in 1825. He took his Religion, and per consequence, the VII and X Commandments, far more seriously than the California chiefs. He had a good reputation for honesty, says Bancroft, iv, 56.

[25] Bancroft, iv, 56.

complaints, and introduce minor reforms.[26] The governor transmitted a copy of the instructions to Fr. Prefecto Durán, who acknowledged its receipt on May 13th, 1839. At the same time, he took occasion to express his regret at an oversight. "I would have appreciated it," he wrote, "if, in the instructions given to the inspector regarding Divine Service and the other Christian obligations, it had been explicitly declared that the Fathers retained the right to coerce which they have always had in this line; for, although it is true that it has not been taken away from us by the regulations in force, nevertheless you are aware that the administrators from the beginning have conducted themselves like sovereigns. There were those who hesitated not to domineer in the very exercises of Religion, even to threatening to remove the clappers from the bells in order to prevent their ringing for the saying of the Rosary on feastdays, as is customary." [27]

Hartnell began his investigations at San Diego on August 22nd, 1839, visited each establishment of the district as far as San Fernando, took complete inventories, and noted everything of interest with reference to the manner in which the missions had been managed by the administrators. His report was a melancholy one. It was pitiable, he said, to see the destitution and misery and hear the complaints of the Indians. At San Diego they clamored loudly against Joaquín Ortega, who was administrator at a salary of $600, but left the neophytes in a very naked condition. They wanted the missionary restored to the management.[28] At the Indian pueblo of San Dieguito, they accused Juan Osuna, the alcalde of San Diego, for having driven them away from their fields

[26] "Cal. Arch.," Dep. Rec. x, 243; St. Pap., Missions ix, 321; xi, 343; Bancroft, iv, 56. Copy of Hartnell's Instructions in "Halleck's Report," pp. 156-157.

[27] "Que entraron los administradores desde principio como soberanos. No han dejado algunos de arrollarnos aun en los actos de Religion, hasta amenazar quitar los badajos de las campanas para impedir tocar á rezar Rosario en dias festivos, como es costumbre." "Pap. Orig.," Misiones ii, 881. See vol. iii, 587, for a similar action.

[28] "Cal. Arch.," St. Pap., Missions xi, 338.

and left them only lands so impregnated with nitre that it was impossible to raise anything for their support. At San Juan Capistrano, the natives also charged administrator Santiago Argüello with wrong-doing, but Hartnell decided in favor of him. Nevertheless, the inspector found things in a bad state, in that he counted only eighty Indians at the mission, and desertions and robberies were frequent. At San Luis Rey, which under Fr. Peiri seven years before sheltered nearly three thousand neophytes, under administrator Pio Pico in 1839 retained about five hundred, and of these many were constantly running away and taking refuge at Los Angeles, as Pio Pico complained to Hartnell.[29] The arch-conspirator against the missionaries thus reaped what he had sown. At San Fernando the inspector found four hundred and sixteen Indians comparatively satisfied, save that they complained bitterly that the Rancho of San Francisco had been taken from them and given to Ant. del Valle, the former administrator. Their anger was so violent that Del Valle feared to trust himself and family on the ranch. José A. Villavicencio was the administrator, but the accounts were in an unintelligible condition. Clerk Bonifacio Madriaga was therefore discharged.[30]

Everywhere the inspector experienced difficulty in accomplishing anything of lasting benefit for the poor Indians. The once prosperous missionary establishments were already essentially ruined. Most of the neophytes had disappeared, so that scarcely about one-eighth of the number that existed in 1832 remained. The wretched condition to which they were reduced moved even most of these faithful ones to think of deserting; but if they left, who would till the land, weave the cloth, care for the livestock, etc.? The territorial government accordingly made every effort to prevent their dispersion, and to recall the fugitives under the plea of "transforming them into citizens capable of supporting them-

[29] "Evidently Don Pico was not so popular a manager as had been Father Peiri." Bancroft, iii, 624. Pico to Hartnell, San Luis Rey, January 5th, 1839. "Pap. Orig.," Misiones ii, 885-886.

[30] Bancroft, iii, 646-648; Hittell, ii, 297-298.

selves or reorganizing them into communities to ameliorate their condition," as Hittell has it.[31] He appears not to be aware that all this was a confession of failure of the "secularization" scheme so ardently advocated and defended by him out of mere hostility to the religious habit under whose rule the missions had prospered and the Indians had advanced in peace and contentment.

At San Gabriel, formerly one of the most thriving missions, Hartnell found but three hundred and sixty-nine neophytes, all in sore need of clothing. At the request of Juan Bandini, the administrator, Hartnell on June 15th, 1839, authorized the expenditure of $1000 in order that the Indians might be clothed properly; and, in order to feed them, he directed the slaughter of cattle.[32]

At San Buenaventura, the inspector made his investigation towards the end of June. He found that no clothing had been distributed to the neophytes for a considerable time. He accordingly authorized the administrator to purchase $1000 worth on credit. Rafael González, the administrator, endeavored to explain the situation by pointing to the fact that much produce, etc., had been furnished to the soldiers without receiving any payment therefor. Fr. Buenaventura Fortuni, the missionary in charge, complained bitterly that the Indians would not attend the religious services, and that the administrator, majordomo, and alcaldes would not urge them. "When I observe this and other disorders, which the whole world plainly sees, I am seized with an intense longing to run away," he wrote to Hartnell a few days later.[33] Thus the main object for which the Indians had been gathered into communities was already defeated. Truly, the paisano chiefs could hardly have done the work of destroying the missions along with the neophytes, spiritually and temporally, more

[31] Hittell, ii, 298.

[32] "Pap. Orig.," Misiones ii, 889-890.

[33] "Cuando yo reflexo sobre esto y semejantes desordenes, que todo el mundo palpa, me vienen vivas ganas de arrancar." Fr. Fortúni to Hartnell, July 3rd, 1839. "Pap. Orig.," Misiones ii, 907-908.

thoroughly if they had started out to antagonize those establishments with that wicked end in view.

No sooner had the inspector reached the town of Santa Barbara, early in July, than he received notice from Fr. Durán of the mission that the administrator, Manuel Cota, had just made an attack, so violent that it might be pronounced diabolical, upon a couple of Indians, who then fled to the Father for protection; that he knew of no cause for the assault except that these neophytes had complained of Cota's conduct; and that the immediate presence of Hartnell and a few soldiers was absolutely necessary to restore order. After providing for the military aid, the inspector proceeded alone to the mission. At the end of a brief investigation, in the course of which he was treated with great indignity by the furious administrator, Hartnell suspended him from office. On closer examination, the inspector found Cota's accounts in inextricable confusion, and he had to report the most scandalous neglect, which he believed to be the consequence of either bad faith or of the grossest stupidity. In addition, he learned that the neophytes were much dissatisfied. Cota was accused of cruelty to the Indians and of insolence to Fr. Prefecto Durán. Hartnell therefore put the mission affairs in charge of the Indian alcaldes under the direction of Fr. Durán, and authorized the latter to expend $500 in order to clothe the neophytes. The Fr. Prefecto agreed to assist the alcaldes by his advice, and to protect the neophytes, but declined to manage the temporalities himself.[34] "The mission is in charge of the alcaldes," he wrote to Hartnell, "and I have assured them that they themselves are the administrators. Although you have made me the director, I shall comply with the duties of the office, that is to say, refer to these administrators what business may come to me. The old times can return no more. If I stand up for the Indians, it will be as minister of the Church, and attorney for the poor,

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[34] "Cal. Arch.," St. Pap., Missions x, 449-450; Hittell, ii, 298; Bancroft, iii, 658.

but not as administrator." [35] Hence, Fr. Durán and his friars, who all thought likewise, were far from trying to retain or secure control of the mission property, as the mission despoilers and alleged historians claim.

At Santa Inés, Hartnell discovered that there were not enough Indians to brand the cattle. Most neophytes had run away, and those, who, by reason of age, infirmity, or attachment to the missionaries, remained had not received any clothing for the last two years. The working horses and mules had already been so reduced by having to supply the needs of the troops that in 1837, as the administrator complained, only eighty horses and thirty mules still belonged to the mission.

Mission Purisima had lost its missionary as early as 1836, and was, at the time of Hartnell's visit, attended from Santa Inés. The Indian population had dwindled to one hundred and twenty souls. At the request of these neophytes, Juan Salgado, the caretaker, was removed. The slaughter of three hundred cattle was authorized in order to purchase $800 worth of clothing for the Indians.

The inspector found only one hundred and seventy Indians at San Luis Obispo. In their favor, he directed the slaughter of two hundred bulls for the purchase of clothing.

On reaching San Miguel early in August 1839, Hartnell, at the request of the Indians, dismissed Manuel Ortega, the majordomo in charge of the Rancho de San Simeon. The Indians also wished to have no administrator, but to be left in the care of the missionary, Fr. Juan Moreno. When their petition remained unheeded they began to run away, according to the report of Inocente García, the administrator. The missionary, on the other hand, informed the inspector that García was not obeying instructions, flogged the Indians excessively, and interfered with the rights of the priest.

San Antonio showed "but slight traces of former prosper-

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[35] Hartnell to Fr. Durán, July 10th, 1839. "Pap. Orig.," Misiones ii, 919. Fr. Durán to Hartnell, on back of said letter without date. "Los tiempos viejos ya no pueden volver, y si yo saco la cara por los Indios, será como ministro de la Iglesia abogado por pobres, no como administrador."

ity," as Bancroft admits,[36] when Hartnell appeared there in 1839. The mission accounts were in a state of confusion. The Indians complained that they were harshly treated, and that for all the produce sent away and of the goods purchased for it they received nothing but threats and blows. Hartnell ordered the administrator to expel all white people not employed at the establishment, and to engage a new majordomo with a smaller family. There was also much quarreling between the administrator and the missionary in charge.

Soledad had been without a resident priest since the death of the venerable Fr. Sarria in 1835. Thereafter the Indians, animals and property of every kind rapidly disappeared. Hartnell found only seventy neophytes. These complained that both the administrator, Salvadór Espionas, and the majordomo, José Rosas, were guilty of wrongdoing as regards the mission property.[37]

Mission San Carlos, or Carmelo, being excluded from the jurisdiction of the inspector, was not visited by Hartnell, but Bancroft acknowledges that "there was but little mission property left in 1834, and none at all except the ruined buildings in 1840."

San Juan Bautista was another mission exempt from inspection, because it had been delivered up to the tender mercy of the Castros. Accordingly, "secularization appears to have been much more complete than at the establishments farther south, there being no traces of the community after 1836."[38]

Hartnell, in 1839, found only seventy Indians at Mission Santa Cruz, and about one-sixth of the live-stock enumerated in the inventory of 1835. The Indians clamored for liberty and the final distribution of property. They were embittered against their administrator, one Francisco Soto, who was or-

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[36] Bancroft, iii, 688.

[37] Why this little community should be burdened with a majordomo, in addition to an administrator, or vice versa, can be accounted for only on the ground that the paisano henchmen had to be supplied with positions "as rewards for political support," Bancroft explains, iv, 49.

[38] Bancroft, iii, 680-693.

dered to turn over the property to José Bolcoff, a naturalized Russian.

In September, Hartnell at Santa Clara encountered the clamors of the three hundred remaining Indians against the granting of any more of their lands. In 1832, the neophyte population had amounted to 1125 souls, and the mission had been one of the richest, but, at the end of 1839, two-thirds of the cattle and sheep had disappeared, and apparently all other available property of any value, as Bancroft relates.[39]

It was Mission San José on which the inspector reported more extensively. During his visit in August, he found it in quite as bad a condition as those of the south. Only five hundred and eight-nine Indians were seen, about one-fourth the number that lived there six years before. They accused José de Jesus [40] Vallejo, the administrator, of harsh treatment, asserting that they were sometimes torn violently from their houses, thrown upon the ground, kicked and trampled upon, and sometimes flogged to the number of one hundred lashes.[41] This lashing, they told Hartnell, was very different from the whipping formerly inflicted under the missionaries when it was more like that which a father applies upon his children. They also claimed that they were only half fed and so badly clothed that many of the women could not show themselves on account of their nakedness. They, moreover, asserted that the administrator had carted away large quantities of cloth-

[39] "California," iii, 728.

[40] The custom of applying the Sacred Name of our Lord as a given name had obtained among the Mexicans. It would seem to argue a not exalted conception of the Majesty of the Second Person of the Most Holy Trinity. Hence it is that the adorable Name of the Lord is frequently borne by the vilest characters appearing in a police court. José Vallejo was such a creature. The custom should be abolished.

[41] If anything like this had ever happened under the friars, we should find Hittell filling pages with a tirade against the Catholic Church. He makes no comment here. It is something that, on page 299, vol. ii, he reproduces the statement of the Indians that the **friars punished like fathers.** In the case of the missionaries, he usually insists that the neophytes were slaves. What then were they under José Vallejo and his kind?

ing from the mission to his ranch, and that he speculated for his own advantage in what remained. The inspector discovered that the charges, to a great extent, were well founded. He therefore drew up a list of instructions for the benefit of the administrator. He was to see that the Indians attended the religious exercises at church as before the confiscation, and to bear in mind that the priests in charge should have authority to punish the neophytes for staying away. Vallejo was not to permit any labor on Sundays and feast days, and he was forbidden to inflict more than twenty-five lashes. In no case should he punish any one for complaining to the governor. He was to make no purchases or sales, and not to speculate for his own advantage without special permission. In union with the missionary he was told to prevent the Indians from holding degrading and superstitious nocturnal dances. Finally, he was directed to keep a journal of events relating to the affairs of the establishment, and to furnish monthly reports on it. These instructions alone reveal in what manner José Vallejo managed the affairs of Mission San José.

In September 1839, Hartnell visited Mission Dolores, or San Francisco. The accounts were in a wretched condition. The Indians complained of hard work and want of clothing, and demanded to be free. They also expressed misgivings that the Rancho of San Mateo might be taken away from them. Only a remnant of cattle and sheep remained, scarcely enough, in 1840, to cover the debt of $2600. "If any property was ever divided among the Indians," Bancroft remarks,[42] "there are no records to show it."

At San Rafael, the inspector found the accounts in a bad condition; the two hundred Indians, who for two years had received no clothing, complained of hard treatment and that their lands were taken away, for which reason they wanted the property distributed to them and they themselves set at liberty.

Mission San Francisco Solano, or Sonoma, was the third of the establishments withdrawn from the jurisdiction of the

[42] "California," iii, 715.

inspector. Mariano Vallejo would have brooked no "interference," so Hartnell is silent about it, and we shall have to postpone describing the situation there for the local history. After 1836, however, the mission community had no real existence, though perhaps one hundred neophytes still lived there in 1840, mostly in the employ of Vallejo as peons. Perhaps five hundred more were scattered "in the region not relapsed into barbarism," as Bancroft [43] has it.[44] Fr. Quíjas attended the place from San Rafael.

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[43] "California," iii, 721.

[44] Hartnell, "Diário de la Visíta del año de 1839," in Bancroft's Collection; "Cal. Arch.," Dep. St. Pap., Missions vii, 375-376; ix, 64-70, 321; x, 243; 437-450; xi, 338-358; Hittell, ii, 296-299.

## CHAPTER IX.

Inspector Hartnell.—Cruelties to Indians.—Marked Change at Santa Barbara under Fr. Durán.—The Fr. Prefecto Discouraged.—Wants to Leave the Territory.—Insolence of Pio Pico.—San Gabriel under Juan Bandini.—Parasite Paisano Families.—Fr. Esténaga's Lament.—Fr. Durán's Indignation.—Demands His Passport.—Alvarado Submits a New Reglamento.—Opinion of Fr. González Rúbio.—Fr. Durán's Views.—Various Letters on the Subject.—He Is Opposed to Fixed Revenues for the Missionaries.

HARTNELL'S observations, in the aggregate, says Bancroft, tend to confirm in most respects, and to refute in none, the conclusions expressed on the subject before.[1] Everywhere complaints were heard, which in most instances proved well founded. There is no reason to doubt that much good was effected; at most establishments the inspector left the discordant elements temporarily somewhat more tranquil than before; but he was an easy-going man, not disposed to quarrel when controversy could be avoided. He required kind treatment of the Indians, however, and fully maintained the padres' power to insist on a strict performance of the religious duties.[2]

The governor himself, in August 1839, ere the inspector had finished his visitations. issued a circular forbidding administrators to hire out Indians away from the community without special permission from the government. The reason for this order, the governor elsewhere explains, was the sad case of an old Indian of San Juan Capistrano. He had been let out to a ranchman, and received such ill treatment that he stole a horse and rode to Monterey in order to complain to the governor. "I am not an animal," said he to Alvarado, "that I should be made to labor for masters who are not to my liking. Thou canst do two things with me; order me to

[1] See Bancroft's description in the preceding chapter.

[2] Bancroft, iv, 58.

be shot if thou wilt, or give me my liberty if thou art a just man. It is all the same to me." [3]

The situation was very much improved at the headquarters of the Fr. Comisário Prefecto. After the dismissal of Cota, the administrator, Fr. Durán practically was in charge at Santa Barbara Mission, much to his annoyance. "I have the honor of communicating to you for your gratification," he writes to Hartnell on September 7th, 1839, "that the neophytes in matters domestic, economical, moral, and religious, continue in the same good order and contentment as I informed you in the letter I entrusted to Sergeant Osuna of the San Diego company.[4] Only, I am not satisfied with the management, not, indeed, as regards the Indians, but as regards those who are not Indians. We have scarcely begun to breathe, and already short notes make their appearance demanding manteca, shoes and tallow to make candles to light up the barracks.[5] Only grain is not mentioned, probably because they know that but fourteen fanégas of barley and two hundred and ten fanégas of wheat have been harvested, which will not suffice to start with. As it is not possible, at present, to give anything, they are already threatening that an administrator must be appointed, as if those señores would be able to give out more hope, or as if I were wedded to the management like the said gentlemen. Were it not for the good of the poor Indians, I should never have accepted it. Manteca, indeed, may be contributed to the amount of eight or ten arrobas, some shoes also; but that they should have the courage to ask for a butt of tallow when it is so scarce, and that the just

[3] "Yo no soy animal para que me hagan trabajar para patrones que no son de mi gusto. Tu puedes hacer conmigo dos cosas: mandarme fusilar si tu quieres, y darme mi libertad si eres hombre justo. Para mi todo es lo mismo." Alvarado, "Historia," iv, pp. 126-127.

[4] This letter is not extant.

[5] Santa Barbara presidio. This shows that the various military commanders, like leeches, still clung to the already exhausted missions for everything they might have produced themselves. Why were not the white inhabitants laid under contribution? Soldiers as well as colonists possessed herds of cattle and horses.

man [6] of Santa Barbara should want to share in these things, and that he should lend his influence to take from these poor people ten or twelve shirts which I might obtain by means of the butt demanded!—[7]

"Every day my desire to leave this country grows, so that by one of the next mails I shall ask for the passport to Mexico. For some years I have one for a place outside of the Mexican republic. Now that your countrymen and my friends, Messrs. Wilson and Scott, are departing, the desire and the temptation to make use of it increases; only responsibility keeps me back, I mean the responsibility towards God; but if these vexations should increase, I will not answer for myself. For this reason I want to ask for the passport to the interior. I continually beseech God to give the grace to die among these California Indians. I have the will, indeed, *but the flesh is weak.*" [8]

About seven weeks later Fr. Durán touching the same subject reported as follows: "The Indians here go on in the same way as they began in July. They are very punctual at all the religious services and holy Masses, and the labor is moderate. Drunkards, with the exception of four or five cases, have disappeared. There is no more of that public and scandalous profanation which was habitual and almost general on feastdays. From the frigate *Monzon*, about $500 worth of drygoods have been purchased, and on the following Sunday they were all distributed, at least to those who labor. The Indians observe that not a reál of their money is wasted. They have all the keys, and I only retain the keys of the wine cellar. Nothing is sold unknown to the neophytes. The purchases from the ship were made by Fr. Antonio Jimeno in the presence of the two Indian alcaldes who delivered the produce and received the goods in return. I accept the di-

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[6] "El hombre justo de Santa Barbara," i. e. José de la Guerra.

[7] "quitar á estos pobres diez ó doce camisas que podia adquirir con la bota pedida!"

[8] Fr. Durán to Hartnell, September 7th, 1839. "Pap. Orig.," Misiones ii, 939-942.

rection only for the benefit of these poor people. For my own personal account I would have nothing."[9]

Some one must have misconstrued Fr. Durán's demand for a passport, for in the same letter he writes: "With regard to the passport, I have to say that the request must not be attributed to lack of charity,[10] but to the need of rest. Thirty-six years of missionary activity, do they forsooth not entitle to a rest?" It was not so much rest from work, however, that the energetic Fr. Prefecto desired, as relief from the vexations which the condition of the missionaries and neophytes under the rule of the paisano chiefs involved. This may be inferred from the same letter of the Fr. Prefecto regarding Mission San Luis Rey, where under the misrule of Pio Pico the situation continued in marked contrast to the state of contentment prevailing at Santa Barbara Mission during the interval that temporarily put Fr. Durán at the helm.

"The complaints of Pio Pico about the affairs at San Luis Rey has caused me much surprise," Fr. Durán writes. "What about the hundred yoke of oxen and twelve carts? Does a friar conceal them up his sleeves that he should be made to give an account of them? It is Pico and not the missionary Father, who should be held to answer, for it is he that enjoys the salary and appoints as majordomos whomsoever he pleases. Formerly, when we managed for the Supreme Government, we did so without giving security. Now for having, at the request of this individual Señor Pico, taken charge a few days[11], he wants the Father to render an account! Is that all the compensation said friar is to receive in return?

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[9] Fr. Durán to Hartnell, October 25th, 1839. "Pap. Orig.," Misiones ii, 951-954. The remarkable change for the better in the Indians, after a few months in charge of Fr. Durán, shows that the ruin and discontent prevailing at the missions, after the Fathers had been deprived of the management, were entirely due to the administrators and their masters, the paisano chiefs.

[10] i. e. charity for the Indians.

[11] Hartnell had arranged that, in the absence of an administrator or majordomo, the missionary should take charge. Fr. Durán had consented, yet the Father was not to bind himself, but to act only out of charity.

Or is the commotion intended to divert or mislead the attention from the situation for which only Pico and the majordomos must be held responsible by you? However, why was not this matter settled when you visited that mission? Why was it postponed till after your departure? Who, after all, has said that the Father must give an account of what he has not received, nor could receive, under security, I will not say to Pico, but even to the Government, without the knowledge and permission of his prelate? In order that any one may and should be held responsible for accidental cases, it is necessary that he enjoy a salary, or be paid for such cases; but no religious can bind his person in such a manner, [12] because he is not free to do so, but is subject to his prelate. For all these reasons, I have decided not to say anything to the Father, but out of particular friendship for you I have copied your official communication for him, and I ask him to send his reply to me, which I shall then transmit to you in due time. What eagerness in Pico to drag innocent ones into trouble, when he should be engaged in something better." [13] Pico was at his old tricks shifting the blame for his iniquities upon missionaries. However, Fr. Durán divined the situation. Unfortunately, Fr. Ibárra's reply is not extant.

Still worse do we find the conditions, only six months after Hartnell's visit, at another mission in the hands of one of the arch-conspirators. Under the administration of the missionaries, San Gabriel was one of the most populous and most prosperous establishments.[14] Let us see what five years of paisano control effected there, and then we shall not wonder why the Fathers felt heartbroken, and even Fr. Durán desired to leave the country. About the middle of January, 1840, Fr. Thomas Esténaga wrote to the Fr. Prefecto: "Juan Bandini, the administrator,[15] assures me that during the whole

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[12] since he could give no security, not having any means.

[13] Fr. Durán to Hartnell, October 25th, 1839. "Misiones" ii, 951-954, Bancroft Collection.

[14] In 1828, this mission possessed 26,300 head of cattle.

[15] For this precious specimen of disinterestedness, see preceding volume, section ii, chapter xii.

"TWO CARTS WITH GRAND PEOPLE, TWO MORE CARTS WITH INDIAN SERVANTS."

month of February he with his entire family will be absent at his ranch which comprises five land grants conceded to him by the government.[16] Thanks be to the Lord! that at this mission they furnish some bread, though not every day, a little meat, at noon only, wine and brandy, and that is all. Just now the holy family of Santiago Argüello[17] and that of the Estudillos are arriving. That will make provisions still more scarce. During the last months, the mother of the three Picos, with her daughter, niece, grandchildren, male and female servants, besides Señora Luisa, the wife of Agustin Zamorano, with her six or seven children, have occupied the mission in grand style. Just now two carts filled with grand[18] people have arrived for the greater consolation of the poor mission and its missionary."

In a postscript, Fr. Esténaga wistfully continues the lament: "Two more carts with Indian male and female servants have arrived, and the dying mission is expected to feed them all! This surely is a fine way of proceeding!"—"Now I ask," Fr. Durán remarks in transmitting Fr. Esténaga's letter to Inspector Hartnell, "what has Señor Bandini done with all his boasted activity? Why, with the abundant profit which he reaped, did he not purchase some cattle? The most incompetent friar would, by this time, have two or three thousand cattle. Well, let us see whether under the new regulations the missions will improve much, and whether the missionaries shall receive better assistance."[19]

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[16] In this way, the paisanos enriched themselves and impoverished the mission Indians, the rightful owners of the land.

[17] "Santa familia de D. Santiágo Argüello," then administrator of San Juan Capistrano. All had to be fed and entertained at the expense of the mission store rooms. What the mission Indians thought is not recorded.

[18] These "grand" people were the wives, children and relatives of beggarly administrators and other employees, who, but for the positions and the opportunities for feasting at the expense of the missions, would have been in a state of chronic semi-starvation because of their idleness, shiftlessness, or gambling. For all that, they could put on the airs of grandees.

[19] Fr. Durán to Hartnell, January 17th, 1840. "Pap. Orig.," Misiones, tomo ii, 1009-1011.

About a month later, Fr. Esténaga reported from San Gabriel: "Thirty-eight white people must be supported and are at home at this mission, without counting the male and female servants of the mission, nor those of the Argüellos, Estudillos, and the whole brood. This evening, Señor Bandini undeceived me, when he said that there was not a tallow candle on hand for a light, nor any tallow to make a candle, nor have the few cattle at the mission any in reality.[20] What will happen in time if we are to continue thus?"—"What a scandal!" Fr. Durán exclaims in sending Fr. Esténaga's communication to Hartnell. "What an honor for secularization! What a terrible responsibility for its authors!" [21] No wonder he concludes in utter disgust: "Tell the governor that he is in error about the passport. The one which I have permits me to leave the republic,[22] because in that form I requested it when I could not swear to the Independence; but now that I have sworn to it, I have a home of my own in Mexico, and it is the College of San Fernando, which I have been serving for thirty-seven years, and where I must be admitted. Therefore in justice he must give it to me. I am sick, and may find myself obliged to make use of it at any moment." [23]

It soon became evident that the office of mission administrator would have to be abolished in order to apply anything like an adequate remedy for the abuses of the administrators. At all events, and, doubtless, in consequence of Hartnell's written and verbal reports, Governor Alvarado, March 1st, 1840, issued a new Reglamento in thirty-seven articles. "Experience," the governor explained in the preamble, "having

[20] "Que no hay vela de cebo con que alumbrar, ni cebo para hacer velas, ni las pocas reses que hay en la mision en la actualidad tienen." Even the cattle were starved and lean whilst the administrator and his friends feasted at the expense of the mission!

[21] "Que escándalo! Que honor para la secularizacion! Que responsibilidad tan tremenda para sus autores!"

[22] i. e. the Mexican dominion. He then wanted to reach Lima or Manila.

[23] "Asi me lo debe dar en justicia. Yo estoy enfermo, y puedo verme obligado de repente haber de hacer uso de el." Fr. Durán to Hartnell, February 15th, 1840. "Pap. Orig.," ii, 1017-1018.

proved beyond a doubt that the missions of Upper California, for want of rules which regulate the management of the persons in charge, have, in a short time, suffered reverses and losses of great moment, the many abuses, which were found to exist in the administration of the property of said missions, obliged this government to issue the regulations of January 17th of last year; but, inasmuch as it has been found that those regulations have not been sufficient to root out the evils which are experienced, particularly, on account of the high salaries with which the establishments are burdened, and which they cannot support, and being desirous of establishing economy and a regular administration until the Supreme Government determines what it may deem expedient, I publish the present regulations which are strictly to be observed."

"Article 1. The positions of administrators in the missions of Upper California are abolished, and in their stead majordomos are established.

"Art. 2. These majordomos will receive the following salaries: Those of San Diego and San Juan Capistrano, $180; those of Santa Barbara, San Luis Obispo, San Francisco de Asís, and San Rafael, $240; those of San Buenaventura, La Purisima, San Miguel, and San Antonio, $300; those of San Fernando and Santa Inés, $400; those of San Luis Rey and San Gabriel, $420; the one of Santa Clara, $480; and the one of San José, $600.

"Art. 3. The former administrators may occupy said positions, provided they be proposed in the manner pointed out by these regulations.

"Art. 4. The position of inspector shall continue at a salary of $3000 per annum,[24] and his powers will hereafter be designated.

*Obligations of the Majordomos.*

"Art. 5. To take care of everything relative to the advancement of the property under their charge, acting in con-

[24] The salary of the administrators was lowered, but the burden on the missions was thereby not much lightened, since the salary of the inspector was raised from $2000 to $3000!

cert with the Rev. Fathers in the difficult cases which may occur.

"Art. 6. To compel the Indians to assist in the labors of the community, chastising them moderately for the faults they may commit.

"Art. 7. To see that said Indians observe the best morality in their manners, and oblige them to frequent the church on the days and at the hours that have been customary, in which matter the Rev. Fathers will intervene in the manner and form determined in the instructions given by the inspector to the administrators.

"Art. 8. To remit to the inspector's office a monthly account of the produce they may collect in the storehouses, and an annual one of the crops of grain, liquors, etc., and of the branding of all kinds of cattle.

"Art. 9. Said accounts must be audited by the Rev. Fathers.

"Art. 10. To take care that the Rev. Fathers do not suffer want for their necessary food, and to furnish them with everything necessary for their personal subsistence, as likewise vaqueros and servants, whom they may request for their domestic service.

"Art. 11. To provide the ecclesiastical prelates with all the assistance they may need when they make their accustomed visits to the missions through which they pass; and they are obliged under the strictest responsibility to receive them in the manner due their dignity.

"Art. 12. In the missions, where the said prelates have a fixed residence, they shall have the right to call upon the majordomos at any hour when they require them, and said majordomos are required to present themselves to them every day at a certain hour, in order to ascertain what they may need in their ministerial functions.

"Art. 13. To furnish the priest of their respective mission all necessary assistance for religious worship; but in order to invest any considerable amount for this purpose, they will solicit the permission to do so from the government through the inspector.

"Art. 14. To take care that in the distribution of goods received from the respective office for the Indians, the due proportion is observed among the different classes and descriptions of persons, to which end the Rev. Fathers shall be called to be present, and they will approve of the corresponding list of distribution.

"Art. 15. To observe all the orders which they receive from the inspector's office emanating from the government, and to pay religiously all drafts addressed to them by said order and authorized by said government.

"Art. 16. They will, every three months, send to the respective office a list of the goods and necessaries they may require most, as well for covering the nakedness of the Indians and carrying on the labor of the establishment, as to provide for the necessities of the priests and religious worship, so that, comparing these requisitions with the stock on hand, the best possible remedy may be applied.

"Art. 17. They will take care to furnish the necessary means of transport and provisions to the military or private persons who may be traveling in behalf of the public service, and they will provide said necessaries as well for the aforesaid persons, as for the commanders of stations who may ask assistance for the troops; and they will send in a monthly account to the inspector, in order that he may recover the amount from the commissariat.

"Art. 18. They will likewise render assistance to all other private individuals who may pass through the establishments, charging them for food and horses an amount proportioned to their means.[25]

"Art. 19. They will take care that the servants under them observe the best conduct and morality, as well as others who pass through or remain in the establishments; and, in urgent cases, they are authorized to take such steps as they may consider best adapted to preserve good order.

"Art. 20. They may, without any charge, make use of the

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[25] During the rule of the Fathers, travelers were received without compensation.

provisions produced by the establishments for their own subsistence and that of their families.[26]

"Art. 21. They may employ as many servants as they consider necessary for carrying on the work of the community, but these situations must be filled entirely by natives of the establishments themselves.

"Art. 22. Said majordomos are allowed to request the appointment of only one clerk to carry on their correspondence with the inspector's office.

"Art. 23. After the majordomos have for one year given proofs of their activity, honesty, and good conduct in the fulfilment of their obligations, they shall be entitled (in times of little occupation) to have the government allow the Indians to render them some personal services in their private work; but the consent of the Indians themselves must be previously obtained.

"Art. 24. The majordomos cannot make any purchase of goods from merchants, nor make any sale of the produce or manufactures of the establishments, without previous authority from the government. They cannot dispose of the Indians in any case for the service of private persons without a positive superior order. They cannot make any slaughter of cattle except what shall be ordered by the inspector to take place weekly, annually, or on extraordinary occasions.

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[26] The latter clause opened the door for wholesale abuse, in that the word "family" was made to include relatives and their attendants. See page 162. It ought not to be necessary to affirm that our strictures of the "paisanos" concern only those early Californians who, as leaders or henchmen, ruined the missions, demoralized the neophytes, persecuted the missionaries, and otherwise proved themselves unworthy the name Christian, although they insisted on being regarded as Catholics. It is not pleasant to have to expose the wickedness of those who should have gloried in aiding the missions rather than in having destroyed them. If the descendants are better, they deserve the more credit for repudiating the discreditable actions of their ancestors.

*Obligations of the Inspector.*

"Art. 25. To make all kinds of mercantile contracts with foreign vessels and private persons of the country for the benefit of the missions.

"Art. 26. To provide said establishments with the requisite goods and necessaries mentioned in the lists of the majordomos, taking into consideration the stock of each establishment.

"Art. 27. To draw the bills for the payment of the debts contracted by his office and those already due by the establishments.

"Art. 28. He shall be the ordinary agent of communication between the government and the subordinate officers of said missions, as well as between all other persons who may have to apply to the government respecting any business relative to said establishments.

"Art. 29. He will pay the salaries of the majordomos and other servants, take care that they fulfil their obligations, and propose to the government, jointly with the Rev. Fathers, the individuals whom they may consider best qualified to take charge of the missions.

"Art. 30. He will determine the number of cattle to be killed weekly, annually, or on extraordinary occasions.

"Art. 31. He will formulate the interior regulations of his office, and propose to the government the subordinates whom he may judge necessary for the proper management thereof.

*General Orders.*

"Art. 32. All merchants and private persons who have any claims on said missions, will in due time present to the inspector an account of the amounts due them with the respective vouchers, in order that the government may determine the best manner of settling them, as the circumstances of said missions may permit.

"Art. 33. With respect to the missions of San Carlos, San Juan Bautista, Santa Cruz, La Soledad, and San Francisco Solano, the general government will continue regulating them as circumstances may permit.

"Art. 34. Officers and magistrates of all kinds are at liberty to manifest to the government the abuses they may observe in those charged with fulfilling these regulations, so that a speedy remedy may be applied.

"Art. 35. The government, after previously hearing the opinions of the Rev. Fathers, will arrange matters respecting the expenses of religious worship and the subsistence of said Fathers, either by fixing a stated amount for both objects, or in some other manner which may be more convenient towards attending to their wants.

"Art. 36. All prior regulations and orders conflicting with the present Reglamento are annulled; and if any doubt occur respecting their observance, the government will be consulted through the established channel.

"Art. 37. During the incapacity or temporary absence of the majordomo, the Rev. Fathers will in the meantime take charge of the establishments." [27]

These regulations, doubtless compiled or inspired by Hartnell,[28] manifest an honest desire to remedy the troubles, and to accord the missionaries the consideration which was their due. Had they been issued immediately upon the seizure of the missions, six years before, and strictly enforced, the Fathers, as far as their own personal comfort was concerned, would have had little to complain about. It was for this reason that the Reglamento displeased the autocratic Vallejos in the north, as well as the unscrupulous Picos in the south, for it materially curtailed the power and independence of these worthies. Unfortunately, the Reglamento came too late to benefit the many thousand neophytes who had died of want or grief, or were now scattered in every direction.

About three months before publishing his Reglamento, Alvarado submitted the document to Fathers Narciso Durán and González Rúbio for their approval, with a view to secure their co-operation. The Superior of the Zacatecan or Mexican

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[27] "Halleck's Report," Appendix no. 18, pp. 157-160; Dwinelle, "Addenda" no. xxxix, 57-60; "Cal. Arch.," Dep. St. Pap., Angeles xiii, p. 141; synopsis in Bancroft, iv, 59-60; Hittell, ii, 300-301.

[28] See Bancroft, iv, 58.

Franciscans replied on December 29th, 1839, that although the faithful observance of the regulations would do away with many abuses, save much expense, and be of considerable advantage to the missions, he believed that it was neither useful nor practicable to have the friars meddle with the temporal management of the missionary establishments to the extent indicated.[29] On March 9th, 1840, Fr. Rúbio reiterated his opinion with more emphasis, but assured the governor that he and his friars would cooperate to the best of their ability for the sake of the neophytes, the "sole owners of the property," as Hartnell had expressed himself.[30] With regard to Article 35, however, he would have no fixed amount allotted to the missionaries, who should have just enough to be independent of the majordomos.[31] On March 24th, Fr. Rúbio, in reply to Hartnell's letter of the same date, once more promised cooperation, but preferred not to select the majordomos. The missionaries, said he, would exercise the power granted them only when they should deem it expedient.[32]

Fr. Durán, the Superior of the Spanish Franciscans in the south, expressed his views to Hartnell on January 7th, 1840, in his usual candid manner, though in his most sarcastic vein which plainly showed that he felt tired of it all, and placed little hope in the success of the new arrangement. "I was seriously ill in bed," he writes, "when your last favor reached me together with the new Reglamento, which is already the fifth issued in five years, and I believe it will not be the last. The governor expects the cooperation of the Fathers for its execution. As far as I am concerned, there is nothing in the way, nor, I believe, as regards the other Fathers; for, in the end, we know well how to distinguish between submission and ap-

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[29] It was unsafe under such unscrupulous majordomos as Pico, for instance. See page 159.

[30] "para beneficio de los Neófitos, únicos dueños del caudal."

[31] "Archb. Arch.," no. 2245. Hartnell to Manuel Jimeno, acting governor, March 26th, 1840. "Cal. Arch.," St. Pap., Missions xi, 193-198.

[32] See Article 29 in the Reglamento. "Pap. Orig.," Misiones ii, 1037-1042.

probation. Only the former can be asked of us; but the latter is a personal right which no one may surrender and no one surrenders. Thus it is that we shall lend ourselves to all that the government may command, even though it be to receive a few blows such as the Reglamento inflicts upon us by leaving us without any assignment whatever, though on paper, indeed, our subsistence is well provided for; but for the purpose of mending the defects which time will expose, you are too far away, something like two hundred leagues, to be able to prescribe the remedy, unless we should desire to feed on monthly and annual drafts and stuff the kettle with them.[33] Only one step more was needed to do the right thing, and it was this: of one majordomo and one Father only one administratorship should have been formed entirely subject to the inspector, the former with a salary, the latter without salary, for the being a partner in the affair would assure him food and subsistence. Now everything remains dependent upon the majordomo, and he will not be able to give anything beyond that which is produced by the mission. As it cannot produce rice, sugar, chocolate, and other little things which cannot be acquired save by means of silver or its equivalent, it follows that the Fathers will have to see from what they shall make biscuits for Christmas Day.

"However, I now recollect that one thousand leagues away there exists a Pious Fund upon which we can draw annually for $400. We may collect the amount here after it has been thoroughly strained through the clean and unselfish hands of the traders.[34] In former times, this amount came from Mexico to California in the form of such goods as the missionary wanted; now it is converted into what the traders want, who, since they are fond of candies and fineries[35] usually convert it into such and similar things, or into what

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[33] Allusion to the nearly million dollars in drafts received for goods since 1811, and still being received without the prospect of collecting anything.

[34] See preceding volume, page 560.

[35] "los comerciantes que, como son amigos de dulces y galones, suelen convertirlo en estos ó semejantes renglones."

is of the least use to the friars. Thus they leave the religious in want of the necessaries, or compel them to procure what they want by means of traffic, although this is prohibited them by canon and civil law. Well, necessity bids the law to be silent. My opinion is that, inasmuch as we are a useless burden to this land, which causes those who govern so many cares in order that nothing which is necessary (ambiguous word) for life be wanting, I say that it would be better to furnish us with a paper permitting us to depart with honor just as we are furnished with a paper to stay with honor. Thus we shall be satisfied and out of reach of jealous distrust.

"As to the rest, I am very far from expecting the betterment of the missions from the new Reglamento. In order to cure a sick man, two things are necessary in the doctor: will and ability. By means of the Reglamento, I grant that from the doctor the will to kill the patient is taken away, but the doctor is not given the will to cure him.[36]

"If he has not this, he cannot effectively treat the patient. I ask myself: what inducement will a majordomo have to return two hundred horses when he has received but one hundred? and when he knows that to achieve this will cost much care and anxiety, and that, in the end, if he has succeeded, others will reap the benefit? Do not cite to me the example of the Fathers, who without any worldly inducement knew how to achieve what we all have seen. My friend, the Fathers created and managed all this without wages, nay, more, they have added to the mission whatever they received as alms or donations. Whenever outside of their ranks similar laborers are found I shall accord them the same grateful credit. It is known even as far as the England of today that in the hands of the Church everything prospers, and that in order to destroy the general prosperity of a nation, the first step is to ruin the Church.[37] However, there is no need of

[36] "se le quita al medico la voluntad de matar al enfermo, pero no le da voluntad de sanarlo."

[37] Such is the history of nations in the past, and it is being experienced by the nations that persecute Religion and its ministers at present.

touching that key, because I know very well in whose honor it sounds. Let us pass it by, since it does not pertain to the subject.

"Let us return to the Reglamento which, indeed, seems to shut the doors to fraud, but likewise it shuts them to improvement. It establishes an absolute and exclusive monopoly of the inspector over the missions. For instance, to a mission a good opportunity offers itself for an advantageous sale or purchase. Can the mission seize it? No, Sir, the affair must go to the inspector who is a hundred leagues away. Then, supposing the mission meanwhile needs such goods? It matters not; let it have patience; from the inspector's office everything will come in due time.[38] Such action resembles a ministerial order which is given to an army general that he should not attack without an express command from the court, and who then is defeated always because of the external interference. Will a progressive man be found who possesses the incentive of honor for the advance of the interests entrusted to him under such circumstances? In a word, to me it seems that the Reglamento closes the doors to robbery; but it does not open them to happiness for the neophytes. No family thrives by means of reglamentos framed at a distance and beyond the vision of the one interested. Hence, I cannot hope for any prosperity or progress from the present Reglamento. Nevertheless, I shall submit; I shall do what is commanded; and I shall exhort the Fathers to do likewise whilst awaiting the arrival of the Bishop of which there is rumor. When he comes, my plan is (if God does not prevent it) to surrender this portion of the Lord's flock, which has been entrusted to me, and to make use of the passport in order to go elsewhere so that I may be delivered from the California labyrinths." [39]

On February 15th, 1840, the Fr. Prefecto reverted to the subject thus: "What I think least of is food, because I need little; but the Fathers may have more trouble on that score,

[38] Hartnell himself, it will be remembered, is the inspector whom Fr. Durán addressed.

[39] Fr. Durán to Hartnell, January 7th, 1840. "Papel. Orig.," Misiones, ii, 997-1000.

especially, where they have not agreed well with the administrators who are now turning into majordomos, as, for example, at San Luis Rey. What I cannot comprehend is how the Fathers will be able to propose majordomos to their liking, when by the Reglamento the administrators are at liberty to stay as majordomos. This requires explanation." [40]

"I have established myself," he writes to Hartnell on March 5th, "at this presidio in the house of Señor Aguirre [41] to whom, after God, I owe what health I enjoy. Yes, Señor, at the mission I should have rapidly gone to the graveyard had not Aguirre taken me away almost by force. This was the reason why I so much insisted on my passport to Mexico. Now I have forgotten it, and I expect to die in this community, always provided God so wills. I was very ill, and have not yet entirely recovered, for I have scarcely enough strength to hold the pen.

"With regard to the Fathers and missions, it is not expedient for the present to speak of ceding land to them, which, besides being improper, is contrary to our state of life. It would also involve rivalries and cause spiritual distraction. It would moreover be a hotbed of dissensions between the friars and majordomos concerning the people necessary for Divine Service, and this would worry me, yourself, and the governor. For the friars it is enough that each one is provided with what is necessary for food and for travel. The $400 (and $600 perhaps for which Congress has been petitioned) is sufficient for their subsistence." [42]

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[40] "Papel. Orig.," Misiones ii, 1017-1020.

[41] José Antonio. "An excellent type of old-time Spanish merchant." Bancroft, ii, 688.

[42] "Pap. Orig.," Misiones, ii, 993-995.

## CHAPTER X.

New Reglamento Published.—Fr. Durán to Alvarado.—Fr. Durán's Circular.—Poor to the Last.—Hartnell Encounters Difficulties.—Vallejo's Audacity.—Fr. Durán Indignant.—Poor Fr. Ibárra.—Pico's Misrule at San Luis Rey.—Situation in the South.—Pico Refuses to Surrender.—Indian Emancipation not Accomplished.—Hartnell Resigns.—Situation at San Luis Obispo.—San Juan Capistrano.—Glorious Results of "Secularization." —Bishop Proposed for California.—Fr. García Diego Successful.—The Pious Fund to Be Surrendered to the Bishop.—Fr. Diego's "Informe" to the Metropolitan Chapter.—Conditions in California.—Candidates Proposed.—The Mexican Ambassador Petitions the Pope to Erect the Diocese and to Appoint a Bishop.—The Promise of Support.

THE new Reglamento was at length published by Alvarado, and a copy was sent to each of the two Franciscan Superiors. Fr. Durán under date of April 6th replied as follows: "I received the last Reglamento issued on March 1st, last past. I shall send it to all the missions for the information of the friars, and I shall exhort them to cooperate for the benefit of the neophytes and their interests. With regard to the means for maintaining Divine Worship and its ministers, it will be better to await the coming of the Bishop, for it seems to me the churches are provided with the necessaries, and when they need anything important it seems expedient that the Fathers shall ask it of the inspector through me, and he will take care to notify Your Honor.

"Although the churches according to law should have their endowment, and this should always come from the public treasury *wherever the government collects the tithes,* as is the case in this territory, for only under this condition has the Apostolic See conceded the tithes to the Kings of Spain,[1] I am determined to receive nothing that has the appearance of a fixed income or landed property; but according to the needs that may arise I shall have recourse to the inspector as I have

[1] See vol. ii, p. 671.

said. Much less shall I admit any allotments for the friars. Presuming that all is but provisional, and that when least expected a change may occur, I am of the opinion that until the times demand something else, we continue as is said in the Reglamento." [2]

Once more, April 20th, 1840, the inflexible Fr. Durán takes up the matter while acknowledging the receipt of twenty-six copies of the new Reglamento. "I am forwarding the copies to the Fathers," he writes to Alvarado, "and I likewise tell them that I am not for allotments, whether for our own subsistence or for Divine Worship, just as I have said to Your Honor; for I have information that his Lordship, the Bishop, is at Acapulco about to embark. He will dispose what is most expedient for both objects." [3]

In his circular to the friars Fr. Durán says: "I transmit to Your Reverences a printed copy of the last Reglamento on the missions, published at Monterey, March 1st, this year, for your guidance and for your cooperation as far as it is solicited for the benefit of the missions, and as far as we can lend it without offending our conscience. You may immediately proceed to propose majordomos to the inspector; but take good care that the subjects you propose will reflect credit upon the wisdom of Your Reverences.

"Concerning what the governor says about our subsistence and the maintenance of Divine Worship, I have already notified him that I am not in favor of any allotment at present, and that we shall be content with our board and the allowance of the stipend. According to the latest news, the Bishop is on his way hither. His Lordship will provide what is suit-

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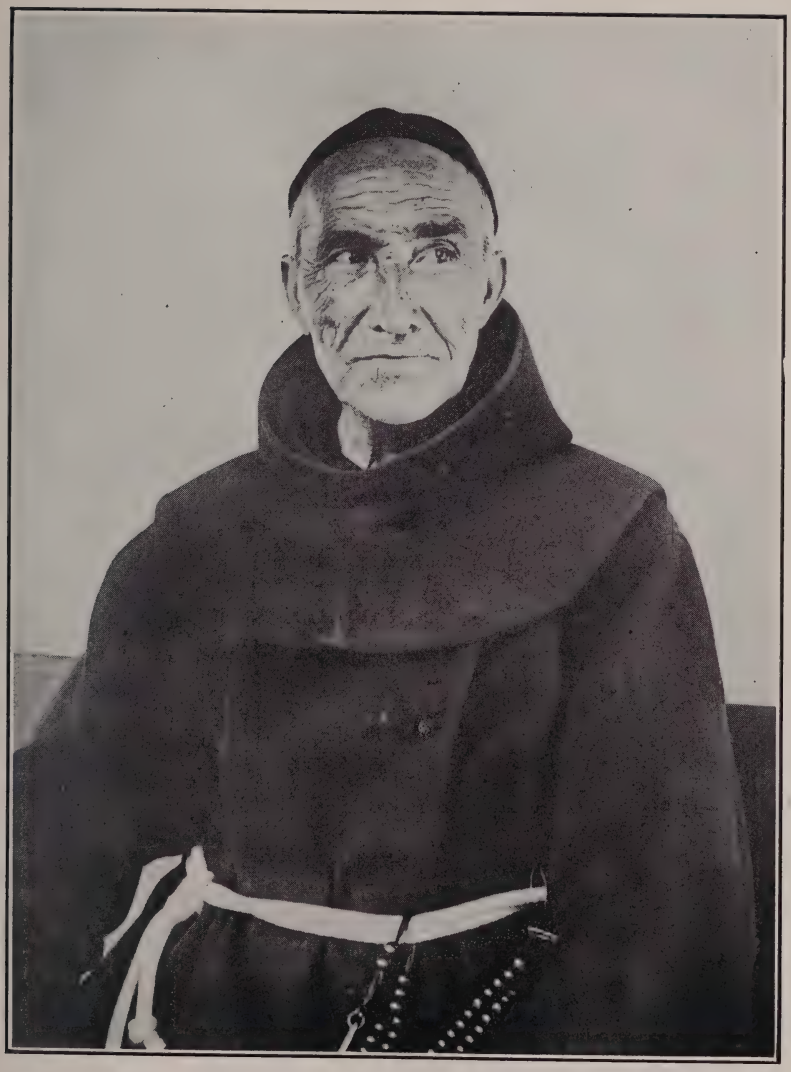
[2] Fr. Durán to Alvarado, April 6th, 1840. "Archb. Arch.," no. 2246.

[3] Fr. Durán to Alvarado. "Archb. Arch.," no. 2248. Thus, from first to last, the Franciscan Superiors, notably here Fr. Durán, insisted that the friars, agreeably to their Rules, should remain poor, neither possess nor acquire property, either as individuals or as a corporation, the slanderous charges of their greedy traducers, the Vallejos, Bandinis, Picos, etc., to the contary notwithstanding.



REV. FR. JOSÈ GODAYOL, O. F. M., LAST SPANISH FRANCISCAN. RECEIVED AT SANTA BARBARA JULY 23, 1854; DIED OCTOBER 30, 1902. (See pp. 707; 717.)

able for our support. For this reason there is no need to plan about allotments, which generally figure on paper only.

"The inspector and I have agreed that if differences arise with the majordomos, Your Reverences will refer such complaints to him through me. In that way they will be the better attended to and remedied. I also inform you that in every case vague and general statements will not suffice; the charges must be practical and specific, well founded and convincing."[4] The circular returned to the Fr. Prefecto signed by the six Fathers in charge of the missions south of Santa Barbara.

Fr. José Joaquin Jiméno from Santa Inés, as presidente, on April 19th, 1840, notified the governor that he seconded the declaration of the Fr. Prefecto concerning the means of subsistence for the friars and for Divine Worship.[5] Fr. Jiméno at this time, and with the approval of Fr. Prefecto Durán, issued a circular to the Fernandinos regarding certain faculties granted by the Bishop of Sonora. It returned with the signatures of eleven Fathers besides his own. This comprised the missionary force of the Spanish Franciscans or Fernandinos in California on March 23rd, 1840.[6]

Governor Alvarado on March 18th, 1840, issued an order directing all administrators of missions to surrender these establishments to the inspector. On the same date, he instructed said official for his second trip of inspection which was to begin immediately at Mission San José. There José Maria Amadór was named majordomo on April 23rd, and, on the same date, the property was turned over to him by inventory. At Santa Clara, in May, Ignacio Alviso was substituted for José Estráda, and at San Francisco, José de la Cruz Sánchez was succeeded by Tibúrcio Vásquez. At the latter mission, "only nine or ten Indian men were capable of labor; all the others were employed by private persons, and many against their

[4] Fr. Durán, "Circular," April 20th, 1840. "Sta. Barb. Arch."

[5] "Archb. Arch.," no. 2247.

[6] Fr. Jimeno, "Circular," March 23rd, 1840. "Sta. Barb. Arch."

will," Hittell affirms. "In other words, they were held as slaves, and not as voluntary servants." [7]

At San Rafael, however, Hartnell encountered serious opposition. The blustering Mariano Vallejo had presumed to take the management of the mission affairs, especially the control of the property, into his own hands, and strenuously objected to any interference on the part of the governor or the inspector. Hartnell, therefore, asked for more instructions before taking any steps in reference to the subject, but when Alvarado directed him to deal with San Rafael as with other missions under his jurisdiction, the inspector in April crossed the bay and had a conference with the Indians. They told him that they did not wish to continue at the mission; that there were not enough of them to carry on the work; that they had already been deprived of their lands, and now wanted to be freed and the remaining property divided among them, as the comandante-general, Mariano Vallejo, had promised. When Hartnell asked them whom they wanted to obey, the comandante or the governor, they replied that they had never opposed the government and did not want to oppose it now; but neither did they wish to incur the ill will of the comandante.

The inspector thought it prudent to have a personal consultation with Alvarado, ere he took any steps that would certainly arouse the haughty Don Mariano. He accordingly sailed away from San Rafael and returned to Yerba Buena [8] with the intention of proceeding from there to Monterey; but when his boat approached the landing-place at Yerba Buena, Mariano Vallejo, who was awaiting him there with a launch and some soldiers, ordered the inspector to board the launch, and then carried him back to San Rafael as a prisoner. Hartnell asked for an explanation of the outrage. Vallejo informed him that an explanation would come later. At the Read ranch, some six or eight miles from San Rafael, Don

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[7] "Cal. Arch.," Missions, xi, 190-198; 353-356; Bancroft, iii, 725; 728; 715; iv, 61; Hittell, ii, 303.

[8] Original name of the place which later was changed to San Francisco.

Mariano disembarked and went on by land, whilst the launch with the inspector aboard passed the night in reaching the destination. Next day, upon his arrival, Hartnell was ordered into the presence of the pompous Vallejo and told that he was at liberty to speak. The inspector demanded to know why he had been made a prisoner and treated in such a manner. Vallejo declared that Hartnell had no business to interfere with the conditions at San Rafael. As the inspector "was an easy-going man, not disposed to quarrel when controversy could be avoided," [9] (a fact which the bluffing Vallejo realized) the whole matter seems to have been dropped, and Hartnell, instead of resenting the indignity, proceeded to explain his errand. It was finally agreed that he should recommend the complete liberation of the two hundred or fewer San Rafael Indians; that one-third of the cattle, with a few horses and mares, should be distributed among the said Indians, and that the other property should be devoted to the payment of debts and the maintenance of religious worship at the church. After this agreement had been reached, a boat was placed at the disposal of the inspector who then returned to Yerba Buena, and thence went to Monterey to report on the conditions at the missions he had visited in the north.[10]

Meanwhile, Hartnell had received despatches which called for his presence in the south, notably at Santa Barbara and San Luis Rey. From the former place, the venerable Fr. Durán wrote among other things of local and personal interest: "The friar upon whom I look with the most compassion is Fr. Ibárra who is with Pio Pico. He has complained so much to me, during the past summer when he was here, about the despotism and arrogance of Pico that I saw myself obliged to tell him to draw up a collection of specific cases, so that we may not base ourselves upon vague charges. I told him that he should through me ask the government for redress, and, if a remedy should not be applied, he should go to San Gabriel in order to afford the pueblo of Los Angeles

[9] Bancroft, iv, 58.

[10] Hartnell to Manuel Jimeno, May 14th, 1840. "Cal. Arch.," Missions xi, 175-185; 345-347; Hittell, ii, 301-302; Bancroft, iv, 61.

better service. In view of the wretched state of San Juan Capistrano, and the greatly impaired health of Fr. Buenaventura Fortuni,[11] we are thinking of calling Fr. Zalvidéa[12] to go and live in his company. My intentions are to concentrate ourselves, and to regard Santa Barbara as the center in order to assist one another in the critical hour; for we are not all Saint Sarrias[13] that we should live scattered and exposed to die without the Sacraments."[14]

A tone of indignation runs through another communication which the Fr. Prefecto addressed to Hartnell two months later. "I enclose a letter from Fr. Ibárra," he writes, "which contains two chief points. The first is that, having been slandered and though vindicated, he receives not the slightest satisfaction; on the contrary his antagonist continues triumphant.[15] The other point is that he is insulted if he takes notice of what is received and what is expended by the majordomo, and thus peace is forfeited. Concerning the first point the Father has more than sufficient reasons for complaint;

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[11] then at San Buenaventura, where he died the same year.

[12] then at San Juan Capistrano, aged and infirm himself. On May 21st Fr. Durán countermanded his order, and directed Fr. Zalvidéa to suspend his departure for San Buenaventura. "Papel. Orig.," Misiones ii, 1059.

[13] Fr. Vicente de Sarria, who for want of a priest, died at Soledad without the Sacraments. He was regarded as a saint. See vol. iii, 568-571. In deference to the superior knowledge of a Catalonian scholar, we previously accented the last syllable—Sarriá. It should be Sarría. Curiously enough, the word has every syllable accented. Sárria, as a common noun (English "reticule"); Sarría, name of a person; Sarriá, name of a town in Spain.

[14] Fr. Durán to Hartnell, March 5th, 1840. "Papel. Orig.," Misiones ii, 993-995.

[15] "The friars of San Luis Rey were reduced to the most deplorable condition. We have seen Fr. González de Ibárra forced to sit at the table of the administrator, and suffer the rudeness of cowboys and majordomos, who a few years before had esteemed themselves happy to enter the service of the friars as servants." Mofras, "Exploration," i, 342.

"WE HAVE SEEN FR. GONZÁLEZ DE IBÁRRA FORCED TO SUFFER THE RUDENESS OF COWBOYS." MOFRAS.

for, though Pico deserves to be thrashed from head to foot,[16] nothing has been done. As to the second point, the Father is wrong in that he should know from the Reglamento how to dissimulate, and that he is not obliged to take notice.[17] Hence he can choose between remonstrating and keeping silent until the Reglamento is changed." [18]

"With reference to the leasing of San Juan Capistrano," Fr. Durán writes a week later, "which the three Picos covet, in truth, I do not know what to say. On the one hand, the Indians might derive some benefit in food and clothing; but, on the other hand, one must be very blind not to dread that with one step they will make themselves owners of the mission to the evident injury of the Indians." [19]

We need not be surprised, then, that when Hartnell reached San Luis Rey, the scene of such endless turmoil, he encountered difficulties similar to those thrown in his way at San Rafael by the obstreperous Don Vallejo. As Hittell follows the documents in the "California Archives," which we have compared, it is well to let him relate in brief what occurred, since he advocated wresting the missions from the friars. "Hartnell, at San Luis Rey, appointed José Antonio Estudillo majordomo; but Pio Pico, the former administrator, and Addrés Pico his brother, who was acting under his instructions, refused to deliver up possession and assumed to manage the establishment and its dependencies of Pala and Temécula very

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[16] "Al Señor Pico se le debía haber expulgado hasta las costuras de la ropa."

[17] To remain silent on beholding the outrages committed upon the persons and property of the helpless Indians was asking too much; but Fr. Durán is sarcastic. The mission robbers wanted the Fathers to dissemble; not he. Hence the reference to the Reglamento.

[18] i. e. until the new Reglamento was put in force by Hartnell. Fr. Durán to Hartnell, May 14th, 1840. "Papel. Orig.," Misiones ii, 1057.

[19] Fr. Durán to Hartnell, May 21st, 1840. "Pap. Orig.," Misiones ii, 1059.

much as he pleased.[20] The condition of the Indians was pitiable and particularly so at Pala. All they had to clothe themselves with were rags. The women especially, who were compelled to resort to tule aprons, complained that they had devoted their whole lives to the service of the mission and their only recompense was barely enough food to support life, nakedness and a heritage of misery. All were violently opposed to the administration of the Picos and charged them with all manner of oppression.

"At San Juan Capistrano Hartnell appointed Ramón Argüello, son of Santiágo, majordomo; but the Indians complained of all the Argüellos; and it was finally deemed prudent to remove him and appoint Agustin Janssens, a naturalized Belgian, in his place. At San Gabriel there were complaints against Juan Bandini, the ex-administrator; but that person appeared before Hartnell and satisfactorily explained his conduct;[21] and the establishment was harmoniously turned over to the care of Juan Pérez as majordomo. Meanwhile the Picos had resorted to various stratagems to avoid relinquishing their hold on San Luis Rey, and Hartnell had at length applied to the prefect of the department for the necessary force to compel them to obey the orders of the government. This movement had the desired effect; and Estudillo was finally placed in possession." [22]

During the second official visit of the inspector, much was said about giving the Indians of several missions their liberty, and organizing them into regular Indian pueblos or towns, as the act of confiscation of August 9th, 1834, directed. The small number and the wretched condition of the neo-

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[20] This is the same Pico who, with other conspirators against the missionaries, prated so much about obedience to the law in opposition to Governor Victoria! See preceding volume, section ii, capp. iii, iv.

[21] The easy-going Hartnell was easily satisfied if he accepted Bandini's explanation. See pp. 149; 160-163.

[22] "Cal. Arch.," Missions xi, 50-53; 57-59; 68-69; 129-130; 135-215; Dep. St. Pap., Los Angeles xii, 361-362; Hittell, ii, 303-304. Details on the various missions will be found in the next volumes.

phytes at San Francisco, for instance, induced Hartnell to recommend that they be brought together at San Mateo.[23] At San Juan Capistrano a similar proposition was made regarding the Indians of that place.[24] Unfortunately, the many vexations experienced in his endeavors to benefit the Indians, especially the clashes with Vallejo and the Picos, rendered the office of inspector exceedingly distasteful to the peace-loving Hartnell. The consequence was that, when in August, 1840, the governor himself interfered in the appointment of a majordomo for San Fernando, he resigned on September 7th. His resignation was accepted, and, in a circular of October 6th, the majordomos were instructed to communicate with the governor's secretary.[25]

On his way to Monterey, while awaiting a reply from Alvarado, Hartnell stopped at San Luis Obispo, in response to an anonymous letter dated August 5th, 1840, and written in English. The inspector found that the Indians preferred to remain under the care of the missionary. Juan Pablo Ayala, the administrator, in November was succeeded by Vicente Cané.[26]

The only mission which at length became an Indian pueblo, in accordance with Hartnell's recommendation, was San Juan Capistrano. This was effected under Alvarado's regulations of July 29th, 1841, which provided that house-lots, fields, cattle, agricultural implements and other property should be allotted, and a regular municipal government established. Various provisions sought to protect the Indians against the whites and insure equal rights. If either Indians or whites abandoned the lands granted to them for a year, such lands were forfeited and might be granted to other persons.[27] Juan

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[23] "Cal. Arch.," St. Pap., Missions xi, 355.

[24] "Cal. Arch.," St. Pap., Missions xi, 146.

[25] "Cal. Arch.," St. Pap., Missions ix, 284-285; xi, 186-189.

[26] "Papel. Orig.," Misiones ii, 1095; Bancroft, iii, 683.

[27] By means of such legislation the land of the Indians was sure to go into the hands of the freebooters under legal cover, for it was certain that the Indians would not till their lands unaided; but was it honest? was it just to take advantage of this disposition in a people who were, as to intellect, but children?

Bandini was appointed commissioner to put the plan into operation, but, in September 1841, he found the Indians much divided. About seventy favored a pueblo, others wanted the mission to continue. The latter, mostly old men and women, numbered only thirty souls. Bandini spoke to them of the desire of the government that they should be entirely free to enjoy the product of their labor. Several of the minority then joined the others, and Bandini thereupon declared the former mission a pueblo. From that date, the new town commenced a sickly kind of existence, as Hittell acknowledges. Two years later, as might have been predicted, of about one hundred and fifty persons to whom lots had been assigned sixty-four, including forty-six Indians and whites, had forfeited their grants.[28] This was certainly a glorious achievement for "secularization" after only six years under the most favorable circumstances; for it was at San Juan Capistrano where the agitation for "emancipation," and the trial of the scheme, had begun as early as 1826. Moreover, these same Indians had enjoyed the advice and coaching of the Echeandías and the Picos ever since.

The grand results of the administrator system here and all over the territory will appear more clearly from the following figures. During the six years of mission spoliation under the rule of the young Californians, the Indian population dwindled from about 15,000 in 1834 to about 4500 at the close of 1840. The whereabouts of two or three thousand others was somewhat definitely known, the rest had died or scattered. Cattle decreased from about 140,000 to about 50,000 head. The number of sheep likewise fell from 130,000 to about 50,000. Horses dropped from 12,000 to about half that number. Of the crops not even an estimate can be given, so insignificant had they become in comparison with the mission period.[29]

At this period a most important change took place in the ecclesiastical affairs of California, though it scarcely affected the condition of the Indians and the missionary establish-

[28] Hittell, ii, 305-306; Bancroft, iii, 625-628.

[29] Bancroft, iii, 667-732; iv, 62-63.

ments; for the Fr. Prefecto, as Fr. Narciso Durán was generally called, had to represent their cause and fight their battles just as before. Preceding pages prove that he was the first who officially and otherwise proposed the erection of California into a diocese. He also encouraged Fr. García Diego, the head of the Zacatecan Franciscans, to proceed to Mexico for the purpose of explaining the wants of the country to the Supreme Government, and urging the appointment of a Bishop supplied with the necessary means to provide for the spiritual welfare of the flock.

Hitherto, both Upper and Lower California had been subject to the jurisdiction of the Bishop of Sonora, and Upper California in his name had been ruled by the Fr. Presidente of the missions as vicar-general. Moreover, as comisários-prefectos of the Fernandinos and Zacatecan friars respectively, Fr. Durán and Fr. González Rubío, had enjoyed the privilege of administering the Sacrament of Confirmation; but, from the time of Fr. Serra, the Fathers experienced the greatest difficulties in procuring the holy Oils which indispensably had to be blessed by a Bishop. However, the chief anxiety of all the missionaries was the crying need for more priests. A Bishop might contrive to obtain volunteers in Mexico, or he might possibly be able to raise a native clergy to take the places of the old friars, who one by one were sinking at their post without the satisfaction of knowing that they should have successors in the field.

Fr. García Diego's efforts, as we have seen, were successful. "We presented ourselves to the Supreme Government," he writes;[30] "we spoke in your behalf[31] with the most lively interest; we energetically exposed the multitude of your necessities; and we proposed the means which to us seemed the most expedient. The precious result was the Law for the Erection of a Diocese in the Two Californias, passed on September 19th, 1836."[32]

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[30] "Carta Pastoral," October 28th, 1840, p. 7. "Sta. Barb. Arch."

[31] the Californians addressed in the Pastoral.

[32] See chapter v, p. 90, for the law in full. Fr. García Diego in a circular from Guadalupe, April 19th, 1837, had notified the Zaca-

Article VI of the law directed that "the property belonging to the Pious Fund of the Californias shall be placed at the disposal of the new bishop and his successors, to be managed by them and employed for its objects or similar ones, always respecting the wishes of the founders." This whetted the appetites of the California chiefs. They had already impoverished the once prosperous missions; now they were greedy for a larger morsel. Andrés Castillero, who had manipulated so well before, was sent to Mexico as delegate to Congress in 1839 with urgent instructions to have the Pious Fund placed at the disposal of the California government;[33] but the Mexican Government, as yet, could not be induced to disregard the intention of the testators; nor would the Supreme Government under any circumstances have delivered the said Pious Fund to the Californians. To quiet the latter, however, as Bancroft has it, the Mexican Congress on April 1st, 1837, had already passed a law which authorized the Supreme Government to negotiate a loan, the ecclesiastical authorities agreeing, with the Pious Fund directors for the sum of not more than $60,000 for one year, which was to be devoted for putting in order the Department of the Californias.[34]

After Congress had passed the law organizing Upper and Lower California into a separate diocese, the Government referred the election of the Bishop to the metropolitan chapter of the Archdiocese of Mexico. This body on October 12th, 1836, requested Fr. García Diego to submit an *Informe* or full report on the situation in California, and to set forth the necessity of having a Bishop in the territory. The Fr. Commissary complied three days later. Speaking first of Lower California, where he had tarried some time in 1833,[35] Fr.

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tecans in California, but it failed to reach them until almost two years later, as the following note in the Santa Cruz "Libro de Patentes" shows: "Nota: Esta circular ha llegado á S. Cruz el dia 9 de Enero de 1839, habiendo dilatado 2 años en su camino con diferencia de 2 meses. Fr. Antonio Reál."

[33] Bancroft, iv, 66.

[34] "Foreign Relations," Appendix II, Pious Fund of the Californias, p. 293; Bancroft, iv, 66.

[35] See preceding volume, section ii, chapter ix.

Diego related that in 1833 he had found only five Dominican friars attending the people scattered over the vast peninsula extending four hundred leagues from Cape San Lucas to Mission San Miguel. In consequence, save in the immediate vicinity of the headquarters, most of the people did not hear holy Mass, seldom or never heard the word of God, failed to comply with the Easter Duty, died without the Sacraments, did not know nor understand our Religion, and it could be said that their lives differed very little from that of the barbarians or savages. There were no schools, save at La Paz, whose teacher for his ignorance did more harm than good, in that he was reported to infuse serious errors into his unfortunate pupils. How could such children when grown up educate their offspring on the points of Faith and morals, and resist the seduction of perverts? Hence the indifference occasioned by the lack of religious worship, instruction, and pastors. The only remedy for such great evils lay in the erection of a diocese, as the Supreme Government had wisely decreed, whose Bishop, with the means that would be granted him, could establish schools, provide good teachers, and also found a college for the education of priests so much needed for the unhappy people.

Fr. García Diego then shows that, though the situation in Upper California was not so bad in some respects, the territory was too far distant from a bishop, and communication was exceedingly difficult; that, though the eight Zacatecan friars were of robust health, the thirteen Fernandinos were aged and infirm, and could not be expected to serve much longer. Unless substitutes were supplied, the situation would be quite as disastrous as in the peninsula; that the Indians would return to their old haunts and perish, perhaps, in a worse state of soul than before their Baptism; and that the conversion of the gentiles had already been paralyzed. Priests could not be expected from Sonora where there was a scarcity already. Nor could the colleges of San Fernando, Querétaro, Guadalupe, or Zapópan provide missionaries, because two of these communities were on the point of expiring, and the others barely held their own. Hence, Fr. Diego concluded,

there appeared to be no other remedy for such lamentable evils than the appointment of a Bishop who would erect a college for the education of native youths for the priesthood. "It was these considerations [36] which impelled me to brave the perils and hardships of the voyage and journey in order to make known our distress to the Supreme Government. The Government has graciously heard me, and has resolved the erection of a diocese. I rejoice, therefore, in the belief that I have discharged my duty as Superior of the missions." [37]

Troubles in the interior, differences with France, and other causes prevented immediate action on Fr. Diego's proposition. He therefore retired to his College of Guadalupe, Zacatecas, in order to await developments. Meanwhile the triennial college chapter was held there on June 17th, 1837, and on the 19th Fr. González Rúbio, as already stated, was chosen presidente of the Zacatecan friars in California. Fr. García Diego, still comisario-prefecto under appointment from the commissary-general, named him vice-comisario of the missions with instructions to hold the canonical visitation as soon as possible after receiving the patente. The document did not reach the appointee until about October 1838. Fr. Rúbio made the visitation early in 1840, giving Confirmation at the same time.[38]

At length, June 22nd, 1839, the metropolitan chapter of the cathedral in the City of Mexico took action, and proposed to the Government the names of three candidates for the new See of the Californias in the following order: Fr. Francisco García Diego y Moréno, O. F. M., Fr. José Maria Guzmán, O. F. M., of the College of Guadalupe, and Fr. Soriano, ex-

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[36] "and also doubtless with a view to his own advancement," Bancroft maliciously asserts, without offering the slightest proof. It would be strange if this arch-commercialist attributed any but sinister motives to Catholic religious.

[37] Fr. Diego to the Cabildo Metropolitano, October 15th, 1836. "Sta. Barb. Arch."

[38] See page 80, this volume; also the Registers of Confirmation.

provincial of the Order of Our Lady of Ransom, or Merced.[39] President Bustamante, on the same June 22nd, 1839, selected the first one on the list, Fr. García Diego.[40] He then instructed the Mexican Ambassador at Rome, T. M. Montoya, to petition His Holiness, the Pope, to erect Upper and Lower California into a separate diocese, and to appoint Fr. García Diego its first Bishop. Montoya accordingly addressed the following petition to the Pope through Cardinal Secretary Lambruschini:

"Legacion Mejicana, Cerca de Su Santidad, *Roma, 6 de Abril en 1840.* The undersigned, in charge of the affairs of the Republic of Mexico, has the honor to address himself to His Eminence Cardinal Lambruschini, Secretary of State of His Holiness, to inform him that the Government of Mexico has considered it absolutely necessary that the Peninsula of the Californias, in ecclesiastical matters, should be governed with entire independence of the Bishop of Sonora to which See it has been until now subject, and that, too, as well by reason of its vast extent as because of the great distance which separates it from the capital of the diocese, for which reason the Bishop cannot visit it, nor apportion to it all the pastoral aids needed the faithful, who are very numerous but little civilized.

"In order to ensure the effect of such an important reso-

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[39] Fr. Diego to Fr. Rúbio, February 1st, 1840. "Sta. Barb. Arch."; "Foreign Relations," Appendix II, Pious Fund, 346; Reuss, "Biographical Sketches of Bishops," p. 46.

[40] Fr. García Diego was on the same date notified of his nomination by the Minister of the Interior, José Antonio Roméro. "Escrituras Sueltas."—Bishop García Diego, "Pastoral," October 28th, 1840; Fr. Sória, Comisário Prefecto, "Circular," August 4th, 1840; "Libro de Patentes," Mission Santa Cruz.—"Yo fuí el que promoví en el congreso la ereccion de un Obispado en Californias, uniendoseme los diputados de aquel departamento en 1836. Que habiendose demorado el espediente por mil obstaculos que se opusieron, lo activé aun siendo ya diputado; y finalmente conseguí el que se nombrase de primer Obispo al R. P. García Diego, que ya va á consagrarse por hacer feliz aquella region. Mexico 19 de Setiembre de 1840. Carlos Maria de Bustamante."—Alégre, "Historia de la Compañia de Jesus," tomo iii, p. 98.

lution, the President, in virtue of a decree of the National Congress, has ordered the drawing up of a complete report from which it resulted that the expediency and utility of the plan was proved by the testimony and opinion not only of the Superior of the Apostolic College of San Fernando, to whose zeal those missions have been entrusted, but also of the administrator of the Diocese of Sonora. A like opinion on the necessity of this measure has been expressed by the former Bishop of the diocese, Don Angel Moráles, by the Bishop of Puebla de los Angeles, and by the Metropolitan Chapter of the Archdiocese.

"In consequence, the legal requisites having been observed, the Government proposes to His Holiness the approbation and erection of this See, and for its first Bishop the Rev. Fr. Francisco García Diego, who, to his learning and Christian and political virtues unites a practical knowledge of that country where he has for some time held the office of comisário-prefecto of the missions, as appears from the canonical examination conducted by the Rt. Rev. Bishop of Puebla, commissioned by His Holiness, which report is annexed.

"The undersigned may add that the Government desired him to beg His Holiness, in consideration of the vast distance in which this district is, not only from the Apostolic See, but also from the Metropolitan See, and because of the necessity in which the new Bishop will find himself in organizing it, inasmuch as one part of those people is little civilized, and the greater part are neophytes or barbarians, that the said Bishop be granted the extraordinary faculties necessary in order that he may be able to meet all cases, and smooth away all obstacles which necessarily present themselves in the organization of the diocese; that he may take along the priests who want to accompany him, be they secular or regular priests, notwithstanding their respective Superiors to the contrary; and that all the missionaries belonging to religious Orders existing there may remain subject to him, excepting only the comisário-prefecto and the missionaries who may be occupied in founding new missions and advancing conversions and the propagation of the Faith among the savage

tribes; for these missionaries ought to continue using as heretofore, all the faculties granted them by Papal Bulls and Decrees.

"It is also expedient to inform Your Eminence that the Mexican Government has made all suitable arrangements that the new Prelate may not lack the proper support necessary in order to cover the expenses and maintain the decorum of episcopal dignity; and that, in addition, according to a decree of Congress, the Pious Fund established for the support of the Missions in the Californias, is to be placed at his disposal.[41]

"The undersigned has the honor to reiterate to Your Eminence the assurance of his highest consideration and respect. T. M. Montoya." [42]

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[41] "Tambien es conveniente hacer presente á Vuestra Eminencia, que el Gobierno Mejicano ha dictado todas las medidas oportunas para que no falte al nuevo prelado la Congrua decente que le corresponde para sostener los gastos y decoro de la dignidad episcopal; y que ademas ha de ponerse á su disposicion conforme á un decreto del Congreso el Fondo Piadoso destinado al fomento de Misiones de Californias."

[42] "Foreign Relations," Pious Fund, Appendix II, 435-437.

# SECTION II

## RT. REV. FRANCISCO GARCÍA DIEGO Y MORENO

(1840--1846)

## BISHOP OF CALIFORNIA

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## FR. NARCISO DURÁN

(1840--1846)

## COMISARIO-PREFECTO

First Bishop's Seal.

## CHAPTER I.

Pope Gregory XVI. Establishes the Diocese of Both Californias.—Fr. García Diego Named Bishop.—Bulls to the Clergy and Laity.—Bishop Diego Consecrated at the Shrine of Guadalupe, Mexico.—His First Pastoral.—The Pious Fund Surrendered to Him.—He Appoints a Director for the Estates.—Memorial to the President on the Conditions in California.—Grand Projects.—Reply of Minister Marín.—Declaration of Minister Y. Yturbide.

HAVING considered the petition of the Mexican government for creating a new diocese out of the territory comprising Upper and Lower California, and relying upon the promise of said Mexican Government that the new Bishop should not lack the necessary funds for his maintenance, Pope Gregory XVI. acceded to the request of the Mexican President, and, on April 27th, 1840, issued the following Bull:

*"Gregory, Bishop, Servant of the Servants of God, For a Perpetual Memorial.*

1. "The Apostolic solicitude which We feel for all the Churches should, as is evident, not only never be weakened or diminished by distances or the remoteness of the faithful, but should for that very reason rather be augmented and inflamed. Since, therefore, access to this Center of Catholic unity is rendered too difficult for the most remote of Our flock and We are not able, on account of the distance and the natural condition of the territory, to refresh them with frequent admonitions, counsels, exhortations, and, in fine, by spiritual aids of whatever kind, or to heal their wounds promptly, We do as does an affectionate mother far distant from her children: she assuredly loves them with the more ardor the more she sees herself unable to lavish upon her absent ones all the services of a special love.

"Hence, not only do We daily pray for the most bountiful of celestial blessings to fall upon this part of the flock which We ever have in mind, but We also leave nothing undone

which may in any way contribute to the spiritual welfare of the same. While We were assiduously revolving these matters in Our mind, those composing the Government of Mexico in North America humbly supplicated that We by Apostolic Authority separate California from the Diocese of Sonora within the same Mexican boundaries, erect there an episcopal see to be called See of California, and give it a Bishop of its own.

"Although the beginning of the Diocese of Sonora is not to be sought previous to the year 1779, and itself was formed of parts from the Dioceses of Guadalajara and Durango, nevertheless that territory was soon extended so widely that it not only embraces the vast provinces of Sonora, Ostimuri, and Sinaloa, but the whole immense California besides. The last-named, however, which is said to exceed seven hundred leagues, is divided into Old and New California. The former includes the Peninsula of California which the ancient writers on natural affairs believed to be an island. The latter, however, is joined to Old California by a wild tract of land. Both, at present, constitute one of the Mexican provinces. If the mind considers the great roughness of the roads, the rapid currents of the rivers, which, at times, it is impossible to cross, and moreover the immense mountain chains, which are inhabited by barbarians, it will be apparent that the Bishop of Sonora is by these causes hindered from governing and moderating with necessary effectiveness the flock entrusted to his care, from visiting his whole diocese, and from devoting himself entirely to the conversion of those whom, for lacking the light of the Gospel, We bitterly mourn as wrapped in the densest darkness of error. This worst of all evils both Old and New California is suffering in a peculiar degree; for although missionaries of the Orders of St. Dominic and St. Francis have spiritual charge of these provinces, yet each is situated in the farthest part of the Diocese of Sonora, and therefore not assisted by the presence of a Pastor, who, powerful in word and deed, might edify the people by his speech and example, correct what is depraved, consolidate what is disrupted, strengthen those weak in Faith, and enlighten the ignorant.

2. "These and other good reasons adduced by the Government of Mexico through its embassador to the Apostolic See have been presented to Us with such force that, after having considered everything with mature deliberation, and having observed the great advantage of it, We most willingly accede to the petitions offered. Therefore, with certain knowledge of the matter, in the plenitude of Apostolic Power, and also from Our own initiative, supplying the consent of Our Venerable Brother Lázaro de Garza, now Bishop of Sonora, and of others who may be concerned, We forever take away, detach, sever and separate whole California, namely the Old as well as the New California, together with all and every one of the parishes, churches, convents and monasteries, and all secular and regular benefices of whatever kind existing there, likewise all persons of both sexes, dwellers and inhabitants, the laity as well as clergy, priests, beneficiaries and the religious of whatever grade, status, order or condition staying there, from the Diocese of Sonora to which they belonged. Moreover, the City of San Diego in new California, situated in the center of California, and regarded as more suitable than other places, We establish and institute as episcopal city with its court and ecclesiastical chancery and all and each of the honors, rights, privileges and prerogatives used and enjoyed by the cities and citizens honored by an episcopal see in the Mexican dominion.

3. "We command that the principal church in the said territory of San Diego be raised and elevated to the honor and dignity of a cathedral church, and therein likewise We command to have erected and established in perpetuity the see and episcopal seat of the one henceforth to be called the Bishop of California, who is to preside over the same church, city and diocese to be designated presently, and over its clergy, to convoke the synod, to have and exercise all and every episcopal right, office and duty, and to have his chapter, seal, archives, and the income to be presently laid down, and all other episcopal insignia, rights, honors, precedence, graces, favors, indults, jurisdiction, and prerogatives which the other cathedrals in the Mexican dominion and their Bishops enjoy.

provided that they are not granted them by special indult or privilege.

4. "To the California cathedral church, thus erected and to its Bishop, We adjudge and assign as its own diocese hereafter the entire Old and New California, as above cut off and separated from the Diocese of Sonora, to be the diocese of the new California bishopric, and this California, thus allotted and assigned, and in it the existing parishes, churches, convents, monasteries, and all other secular and regular benefices of whatever Order, the persons of either sex, the inhabitants, clergy as well as laity, but not those exempt, of whatever class. We likewise subject in perpetuity to the jurisdiction, rule, power, and authority of the new Bishop of the California Diocese, and to him We assign and allot them as his city, territory, diocese, clergy and people, likewise in perpetuity.

5. "In order, however, that the future Bishop of California during his lifetime may live in a manner becoming his dignity, and may properly provide for the vicar-general and episcopal court, We ascribe and assign as episcopal income the Fund of the real estate which the Mexican Government in accordance with its promise will set apart.

6. "With regard to the property of the new California cathedral church, We likewise ascribe and adjudge as an income for its maintenance in perpetuity the Fund which the same Government promised to surrender. We ordain that as soon as possible there be assigned and given suitable buildings for the habitation of the future Bishop and the dwelling of his episcopal court as near to the cathedral as possible; if they are wanting and must be rented, We decree that arrangements be made for defraying such expenses.

7. "As to the forming of a chapter at the cathedral church, and its endowment with similar means from the Fund, as also the construction and endowment of a seminary for ecclesiastical students, the aforesaid Government, as soon as the circumstances of time and places permit, will supply what is usually furnished to other cathedral chapters and ecclesiastical seminaries in the Mexican dominion.

8. "We command that the said California Church thus con-

stituted shall be of right subject to the Metropolitan Archbishop of Mexico, and We direct that it shall enjoy all the faculties, exemptions and rights which belong to other suffragans of the Metropolitan Mexican Church.

9. "We order that the revenue of the same new Diocese of California shall be taxed as customary for thirty-three and one-third florins,[1] and that this tax shall be noted in the books of the Apostolic Treasury and Sacred College.

10. "In order that everything above arranged by Us take effect, We bestow upon Our Venerable brother Emanuel Posada y Carduño, Archbishop of the Metropolitan Mexican Church, whom We choose and depute as the executor of these Our Letters, all the necessary and expedient faculties for carrying out fully the foregoing dispositions, so that he himself, or by means of another person clothed with ecclesiastical dignity to be subdelegated by him, may ordain and decree, and also with the faculty of the same executor or his delegate, definitely, freely and lawfully pronounce upon any obstacle whatever which might perhaps arise in the act of execution. He shall also have the duty of carefully describing in the executive decree the boundaries, especially of New California, and of transmitting to the Apostolic See, within six months after the carrying out of the Apostolic Letters, a copy, drawn up in authentic form, of all decrees he may publish in the execution of these Letters, in order that it may be preserved in the records of the Congregation presiding over Consistorial Affairs.

11. "We will and determine that these Letters, and whatever they contain, be at no time whatever impugned or called into question, or charged with the defect of subreption, or obreption or nullity, or lack of intention on Our part, or any other even substantial defect, not even for the reason that any persons concerned or claiming to be concerned have not been notified or given a hearing or have not consented to the foregoing; for from the fulness of Apostolic Power We supply, as far as necessary, their consent, and We will that these Let-

[1] about $13.50.

ters always and ever exist and be valid and in force, and obtain and have their full and entire effect, and be inviolably observed by all whom they concern.

12. "We thus determine notwithstanding the Regulations about not taking away what is of right demanded, about suppressions committed against parties concerned, and other Rules of Our Own or of the Apostolic Chancery, or Apostolic Mandates issued in Synods or Councils, particular or general, or whatever other Ordinances of Our Predecessors, the Roman Pontiffs, or whatever else to the contrary.

13. "We determine, moreover, that the copies of these Letters, even the printed ones, signed, however, by a notary public, and provided with the seal of a person clothed with ecclesiastical dignity, shall, on being exhibited or shown, receive absolutely the same credit.

14. "No one whosoever, therefore, shall be permitted to infringe these Our Letters of dismemberment, segregation, separation, erection, establishing, assignment, allotment, subjection, concession, indult, decree, derogation and will, or dare temerariously to contradict. If any one, however, shall presume to attempt this, let him know that he incurs the indignation of God Almighty and of the Blessed Apostles Peter and Paul.

"Given in Rome at St. Peter's in the year of the Incarnation of the Lord 1840, on the 27th day of April, in the tenth Year of Our Pontificate." [2]

The Pope, under the same date, issued another Bull, which was addressed to the clergy of the new diocese, the text of which is as follows: "Gregory, Bishop, Servant of the Servants of God, to the Beloved Sons, the Clergy of the Territory and Diocese of the Californias, Health and Apostolic Benediction.—As the Church of the Californias today lacks the consolation of having a Pastor, We have provided one in the person of Our beloved son Francisco García Diego, professed member of the Order of St. Francis, chosen for said Church,

[2] Archbishop's Archives, "Escrituras Sueltas." Copy of the original with many misprints in "Foreign Relations," Appendix II, 439-442. The translation on pp. 442-446 is poorly done.

a person who for his merits is acceptable to Us and to Our Venerable Brothers, the Cardinals of the Holy Roman Church. With the advice, therefore, of the same Cardinals, Our Brothers, and in virtue of Our Apostolic Authority, We name him Bishop and Pastor, and commit to him the care, government, and administration of the Church in the Californias, both in spiritual and temporal matters, as is more fully contained in Our Letters erecting the Diocese. We therefore command by this Our Letter that you cheerfully accept the said Francisco as Father and Pastor of your souls, show him due obedience and reverence, receive with humility his salutary admonitions and commands, and endeavor to comply with them sincerely. Otherwise, the sentence which the same Francisco may pronounce against the rebellious, we shall regard as just, and shall see that it is observed inviolably until condign satisfaction is made. Given at St. Peter, Rome, in the year of the Incarnation of the Lord 1840, on the 27th day of April, in the tenth year of Our Pontificate." [3]

Another Bull of the same date and import was addressed to the faithful of the new diocese in general. For the last two sentences in the preceding Bull, the following was substituted: "We therefore admonish you all to receive with submission the same Francisco as Father and Pastor of your souls, treat him with due honor, and humbly hearken to his salutary counsels and mandates, so that the same Francisco may rejoice to find children in you, and you may be glad to meet in him a benevolent Father." [4]

The Bulls were transmitted to the President of Mexico, who, in turn, delivered them to Fr. Francisco García Diego, the appointee to the See of the Californias, in the latter part of August or early in September 1840.[5] On September 19th, the Bishop-Elect took the constitutional oath before President

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[3] Bishop Diego, "Pastoral," p. 8. "Sta. Barb. Arch."

[4] "Pastoral," p. 9.

[5] "Pastoral," p. 9.

Bustamente.[6] While in Mexico Fr. García Diego resided at the College of San Fernando, where he also prepared himself for the consecration. This took place at the famous shrine of Guadalupe, City of Mexico,[7] on the feast of St. Francis of Assisi, Sunday, October 4th, 1840. As the new Archbishop of Mexico, Most Rev. Emanuel Posada y Garduño, had not as yet been invested with the *pallium,* the Rt. Rev. Ab. Campos, titular Bishop, was commissioned to act as consecrator. The assistant Bishops were the Rt. Rev. José Maria de Jesus Belaunzarán, Bishop of Linares, and the Rt. Rev. Joaquín Madrid, Titular Bishop of Tenagre *in partibus infidelium.* Rt. Rev. Angelo Mariano Moráles, Bishop of Oaxaca, and the Most Rev. Don Irizarria, Archbishop-Elect of Cesarea *in partibus infidelium,* besides many of the secular and regular clergy, were also present.[8]

On October 28th, 1840, Bishop Diego, from the College of San Fernando, issued his first pastoral letter to his flock in the Californias. In it he announced the appointment and consecration, and then promised that the opening of primary schools and the founding of a seminary should occupy his first attention. Addressing the clergy, the Bishop wrote: "In the Bishop of the Californias, beloved and esteemed Fathers, you will without doubt have a companion in your labors, a brother who loves you, and a missionary like yourselves, who will respect you and will take the greatest satisfaction in serving you." This pastoral was printed at the capital in pamphlet

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[6] Manuel Jimeno to Argüello. "Avisa que el Ministerio del Interior participó al gobernador en 19 de Septiembre, 1840, que en esta misma fecha prestó juramento constitucional en manos del Presidente de la Republica el Obispo Fray Francisco García Diego, electo para la nueva Diocesis de California." "Cal. Arch.," Dep. St. Pap., Angeles xii, 467-468.

[7] "En la Iglesia Colegiata de Nuestra Madre y Patrona Maria Santisima de Guaralupe." Bishop's "Pastoral," p. 10. See also letters to Fr. Durán and Gov. Alvarado, mentioned below. Hence not at the College of Guadalupe, Zacatecas, as Reuss has it in his "Biographical Cyclopedia," p. 47. See also Sotomayor, "Historia de Guadalupe," p. 478.

[8] Reuss, "Biographical Cyclopedia," p. 47.

form having twelve octavo pages. His signature was simply, *"Fray Francisco, Obispo de Californias."* [9]

On November 30th, the Bishop, in a special letter to the Fr. Prefect of the Fernandino Franciscans, informed Fr. Durán of the elevation to the episcopacy and asked him to communicate the news to the friars.[10] On the same date the Bishop also notified Governor Alvarado, and, separately likewise the legislative assembly.[11]

Much as he desired to devote himself entirely to the spiritual welfare of his flock, Bishop Diego soon realized that the temporal affairs of the new diocese would first demand his whole attention. From personal observation he knew that little or no financial assistance could be expected from the small white population of California; as for the Indian missions, which for thirty years had maintained the civil and military departments of the territory, they were now, in the absolute control of the territorial government, on the road to total destruction.

On October 4th, 1840, therefore, the Bishop addressed the Minister of Instruction on the subject of the revenues which the Supreme Government had promised, and upon which the Pope had relied in acceding to the President's petition for the creation of the diocese.[12] The Bishop must have been reassured on that point, for, on the 30th of the same month, he notified Don Antonio de Icarza, director in charge of the Pious Fund Estates, that he had appointed Don Pedro Ramírez his attorney and agent.[13] "On November 2nd, 1840,

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[9] "Amados y Venerados Padres: Teneís sin duda en el Obispo de Californias un compañero en vuestros trabajos, un hermano que os ama, y un misionero como vosotros, que os respetará y tendrá la mayor satisfaccion en serviros." Bishop Diego, "Pastoral," p. 11.

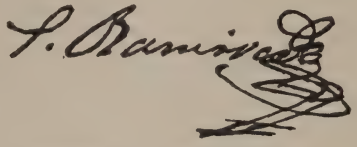
[10] Bishop Diego to Fr. Durán. "Sta. Barb. Arch."

[11] Bishop Diego to Alvarado. "Archb. Arch.," no. 2253.

[12] See Petition of the Mexican ambassador and the Bull of Gregory XVI. in the preceding chapter.

[13] "Libro Borrador," in the Archbishop's Archives.

the properties of the Pious Fund were surrendered to the Bishop by Mexico in conformity with its duty as trustee, recognized by its legislative act of September 12th, 1836.[14] The Bishop also appointed as special agent for the rural estates Miguel Belaunzarán. Don Ramírez received the rents, paid the



Signature of Pedro Ramírez.

expenses, and attended generally to all business of the Pious Fund. He was the *apoderado* or attorney in fact."[15] It was this disposition of the Pious Fund, in strict accordance with the will of the pious testators and donors, that caused Bishop Diego to take a most rosy view of his future activity in California. Alas! that his grand projects should be crushed so soon and, with them, his overconfident heart.

Temporal matters in California also needed to be readjusted. The Bishop sought to effect this by means of a petition to the Supreme Government rather than to trust to the sense of honor and justice of the powers in control of things in his diocese. The petition was dated Mexico November 7th, 1840. As it speaks for itself, and relieves us of the necessity of explaining the situation, the document is reproduced here entire.[16]

"Your Excellency,—From the time that the temporalities which they established and increased by their personal labors and with their stipends, were taken away from the mission-

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[14] See pp. 90 and 187, this volume.

[15] "Pious Fund," Foreign Relations, Appendix II, pp. 293; 563.

[16] Original draft in the hand of Bishop Diego in the Santa Barbara Mission Archives. Copy in "Escrituras Sueltas."

aries, seculars, and their families, among them, some with whom I am not acquainted and who could not be trusted with even a small amount, have entered in order to enjoy the properties of the missions. Already the ruin of said property in such hands is evident. In the archives of Your Excellency's Ministers, the reclamations must exist which I have made on the subject, and because of which the General Congress passed a law commanding the suspension of the secularization of the missions, which, so far as I understand, has not been complied with, perhaps for just considerations of the government. In the later remonstrances, which I made in the year 1836, I informed the Supreme Government of the wrongs which missionaries were suffering, among which not the least one was that the administrators possessed themselves of the houses in which the Fathers lived, houses which those religious have constructed and in the erection of which they applied the stipends they received and the labor of their own hands. They have been compelled to live there as though they were outcasts, amid great discomfort as I myself witnessed. They had in the same habitations people who many a night, by their drunkenness, games and dances, in which the neophytes scandalously participated, would not let the missionaries rest! A most insufferable life truly. A life full of bitterness for retired religious, so bitter that many of them have thought of abandoning the missions and of betaking themselves elsewhere in search of tranquillity and peace of mind! A painful life! which has driven out and deters many from devoting themselves to the missions lest they expose themselves to such torture and to contempt for their sacerdotal character.

"However, it must not be thought that on this account I desire the transfer of the temporalities to the religious should be effected. I know very well, and I have even told the Government, that within a short time nothing will remain of the property which those wealthy missions possessed, when the Fathers surrendered and the administrators received them. What I desire is that for the new missions which are to be established, legislative steps be taken in order that such grave

disorders may not be repeated. Otherwise, which Missionary Father would want to toil for the increase of the property of the unfortunate Indians if he knows from experience that such property will be taken away from those legitimate owners, and will be turned over to other people in order that these may enjoy, plunder, and waste them, though they have cost them no labor whatever? Which religious would want to erect a house and plant a garden for his relief and convenience, when he has seen them taken away with the greatest injustice, and men coming along to take possession of them who previously had been succored with the alms of those same missionaries, and who, suddenly changed into masters, compel those unfortunate Fathers to live at their own expense? What I insist upon, and shall always insist upon, is that to the missionaries shall be reserved the houses and gardens which they or their predecessors have built and made, and which are contiguous to the churches, and have immediate communication with them. The administrators (as they have at their disposal the Indians and the property of the missions) can build houses for themselves, and leave the Fathers in quiet and peace. This measure I judge so necessary that unless it be taken there will mayhap be no one who would want to go and serve in the missions, of which I now warn the Supreme Government. If this measure be so necessary for the missionaries, what must be said with regard to the Bishop? Would it not be an unbearable situation if, while he could build his house, there were no place where he could shelter himself and his attendants, nor a place where he could accommodate his students and officials or start his seminary? Therefore I supplicate the Supreme Government:

1. "That an order be issued (the same as I shall bear) that the houses and gardens of the missions be surrendered to the missionaries, and that the mission house at San Diego or that of San Luis Rey be occupied temporarily by the Bishop and his household, in company with the Missionary Father of the place, until the Bishop can erect his episcopal house and the building to be used for his seminary.

2. "The administrators, as a rule, deny the service of the

Indians to the Fathers, even when they are paid what is just. This necessitates another arrangement on the part of the Supreme Government in order that servants be allowed me for equitable and not arbitrary wages. At the same time, I supplicate that land be granted to me in order to build my church, my house, and my seminary.[17]

3. "The Supreme Government is well aware that, in my diocese, I have no other ecclesiastics than the San Fernando and Guadalupe Franciscans and the Dominicans of this Province of Mexico. If the prelates of these corporations deprive their subjects of the privileges which they, for being missionaries, enjoy in their Order, this measure would have so much influence that such missionaries would return hither to Mexico and others would not go to the missions; hence the impression must be removed from them that the sacrifices which they make are of no advantage to them in their Order. I therefore appeal to the Supreme Government that it notify the Rev. Fr. Provincial of the Dominicans not to introduce any innovation whatever, and that the missionaries continue the same as before until the Bishop may obtain secular priests to occupy their places, when the friars may devote themselves to organizing new missions. Furthermore, I desire that the Government commend me to the Rev. Fathers Guardian of Guadalupe, Zacatecas, and of San Fernando in order that they assist me with religious, and that, if any of the friars wish to accompany me, they should not be prevented.

4. "I also supplicate that the Supreme Government petition the Holy Father, by means of our envoy at Rome, that I may be allowed to take along to my diocese as many priests as desire to accompany me, and that I may approve them notwithstanding the objection of their respective prelates. Such faculty has not come along with those I have received. I would therefore wish, that Don Montoya be instructed regarding the matter, and that, in the meantime, the Government confer with the prelates so that when any one, be he a secular or regular priest, should write to it that he desires to ac-

[17] There was no building at San Diego fit to serve such purposes.

company me, I may tell the said Government that it is with my approbation.

5. "As one of my chief aims must be the conversion of the Indians and the propagation of their faith, it is necessary that I have the required assistance to attain my desires. The colleges which are approved by the republic are in a dying condition, except the one at Guadalupe, Zacatecas, and even that can scarcely provide for the ten missions in its charge. I think it is necessary to grant me the license of founding in my diocese a missionary college in order that its missionaries may continue to establish new missions or settlements. Hence I pray the Government, by means of our envoy at Rome, to petition the Holy Father that I may proceed to found such a college, even though it be with but one religious, so that he may give the habit and training to those who want to devote themselves to the most important work of converting the gentiles. Likewise, I supplicate that for the site of such college I be given the island called Angel Island, or another suitable locality.

6. "The girls, in general, lack the education and instruction that makes them useful to society. I therefore wish to found a school for girls in the town of my residence, and for this I likewise need sufficient grounds.

7. "By some anomaly, which I do not understand, tithes have been collected in my diocese by the civil government of Sonora. The authorities there ought to be forbidden this so that, in the future, the faithful may be free to give them to the Church. Though small, these tithes will help to promote the grand projects of public benefit which I have formed.

8. "The Government has burdened the Pious Fund of my diocese with a loan of $60,000 which Señor Teran made at the ruinous rate of two per cent a month. The Government bound itself to pay daily $200 and more (as I am informed), in order to extinguish this ominous debt. It complied with this promise a short while, and afterwards left it to the charge of the Fund, which, in order not to lose its capital as was threatened by said terms of the loan, has been making sacrifices not only to extinguish the debt but to pay the monthly

interest. The said Fund is now in such a state that it is without means to furnish the stipends to the missionaries whose drafts it holds unpaid, and without being able to assist me in the expenses which I must incur in order to reach my diocese, and which are heavy, as is not unknown to Your Excellency. It is justice, then, when I petition that some means be assigned by the Government in order, as soon as possible, to pay the debt of Señor Teran, so that the Fund may remain unincumbered.

"In my official communication, I forgot to say that I desire to erect my buildings, or rather establish a settlement, on a ranch which lies opposite San Diego,[18] as well for its supply of water and timber as for not being on the coast, nor exposed to invasion from pirates. Moreover, it has a very good climate. If the Government should desire to locate a military force there, it would be of the greatest importance for communication with Sonora, in that it would restrain the Indians of the Colorado, and likewise it would contribute very much to the reduction of these poor people for their spiritual and temporal happiness. I am sure that by this means communication with the interior of our republic would be facilitated, and that the Government would receive despatches from that department more frequently." [19]

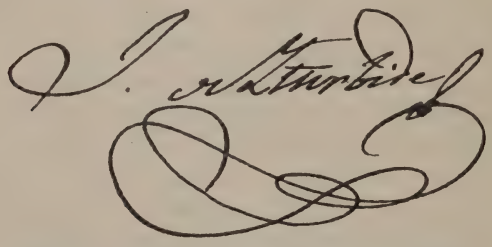
In reply, Marín, the Secretary of the Interior, on November 17th, 1840, in the name of the President wrote: "Most Illustrious Sir,—Information having been given to His Excellency, the President, by the official letter of Your Lordship of the 7th instant, and taking into account all that is expressed in it with a view to accomplishing your heavy obligations as Bishop of the Californias, he has been pleased to provide in conformity with all that is asked in the said official letter, and also with what is solicited in a separate letter of the same date, as far as His Excellency's powers extends, and he is permitted by the decree of the General Congress of November 7th,

[18] "frente de San Diego," that is to say, of the Old Town.

[19] Bishop Diego to the President, November 7, 1840. "Sta. Barb. Arch."; "Foreign Relations," Pious Fund, pp. 411-416; "Escrituras Sueltas."

1835,[20] which directs that the missions should be maintained in the state in which they were before the Law of August 17th, 1833,[21] for which purpose an order has been issued by this Ministry to His Honor the governor of the Californias, in order that by means of the subordinate authorities, without any delays or obstructions, the possessions and property, which were under their management for the conversion of the pagans, be restored to the Missionary Fathers. This is what I have to communicate in reply to Your Lordship. God and Liberty. Mexico, etc." [22]

Another communication, dated Mexico, November 21st, 1840, and signed by I. de Iturbide, somewhat more fully re-



Signature of Minister of Justice I. de Iturbide.

peats Marin's reply as follows: "On November 17th, 1840, His Excellency, the President, was pleased to grant everything for which the Rt. Rev. Bishop of the Californias petitioned in his letter as far as His Excellency's authority extends and he is permitted by the decree of Congress of November 7th, 1835, which commands that the missions should be restored to their ancient state.[23] To this end, a general

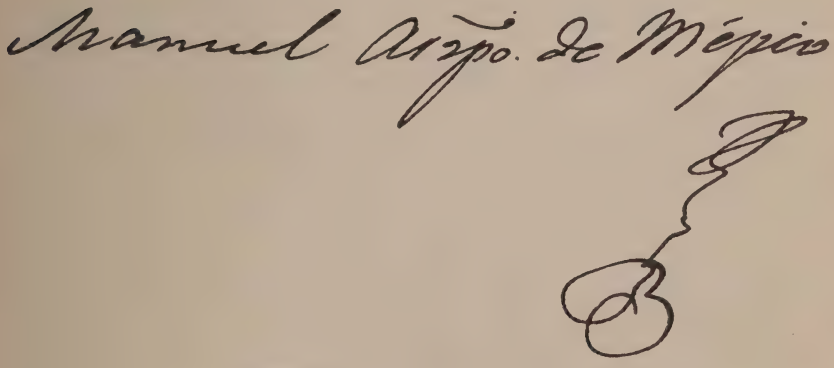
[20] See page 6, this volume.

[21] For this law see preceding volume, iii, 501; 518-520.

[22] "Se libra orden por este Ministerio al S. E. Gobernador de Californias para que por medio de las autoridades subalternas se restituya sin dilaciones ni embarazos á los Padres Misioneros las posesiones y bienes que estaban bajo su administracion para la conversion de los infieles." Minister Marín to Bishop Diego, "Foreign Relations," Pious Fund, p. 419.

[23] "que mandó reponer las misiones á su antiguo estado."

order will be despatched to the Governor of California, so that through the subordinate authorities, without delays or obstructions, the possessions and property, which used to be under their management for the conversion of the pagans, be restored to the Missionary Fathers.[24] This and other orders, which are to be issued in accordance with the petition of the Rt. Rev. Bishop, shall be placed in the hands of His Lordship for their better execution. Another order will also be given him so that the governor may aid him as far as is necessary to



Signature of Archbishop Posada.

establish his diocese. With regard to the estates, which it was said are not, or have not been, in possession of the missions, let an order be issued to the Directing Board of the Pious Fund to the end that it agree with His Lordship, the Bishop, on what may more facilitate his petitions as far as its well known piety may find possible. As to the statement that the revenues of the said Fund do not suffice, let the Government be informed in order that the legislative power may be

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[24] "A cuyo fin se estenderá orden general al Señor Gobernador de Californias, para que por medio de las autoridades subalternas se restituya sin dilacion ni embarazos á los Padres Misioneros las posesiones y bienes que usaban bajo su administracion para la conversion de los infieles."

induced to provide in accordance with the law, and let the Right Rev. Bishop be answered by this decree." [25]

[25] "Pious Fund," Appendix II, pp. 416-417; "Escrituras Sueltas." Other documents concerning the boundaries of the Dioceses of Sonora and California, etc., are "Carta" del Arzobispo de Mejico, Don Manuel Pozada y Garduño, al Obispo de Sonora, Don Lázaro de la Garza, Septiembre 23 de 1840; "Carta" del Arzobispo al Obispo de Californias, Noviembre 30 de 1840; "Carta" del Arzobispo al Obispo de Californias, 1 de Diciembre de 1840, in "Escrituras Sueltas."

## CHAPTER II.

Visitation and Chapter at Guadalupe.—Fr. Sória Demands Report. —Fr. González Rúbio's Discouraging Description.—Humiliation of the Missionaries.—Fr. González Refuses Landed Properties. —Franciscans Inflexible on the Subject of Poverty.—Fr. Sória's Circular.—Bishop Diego in Vain Endeavors to Enlist Priests.— Prepares to Leave Mexico.—Mariano Vallejo Heard From.— The Bishop Arrives at San Diego.—His Attendants.—His Letter to Fr. González.—San Diego not Suited for a Bishop.

WE HAVE now to relate what occurred at the College of Guadalupe, Zacatecas, while Fr. García Diego, whom the Mexican President had proposed as head of the new Diocese of California, awaited the outcome of Ambassador Montoya's action at Rome. In conformity with constitutions of the College, the Fr. Guardian and the discretos, on December 18th, 1839, prayed the Fr. Comisário-Prefecto to conduct the canonical visitation, and to preside at the triennial chapter in the following year.[1] Fr. Diego consented, and on April 20th directed that, during the coming month of June, the usual suffrages should be daily offered up to the Holy Spirit for the success of the visitation and of the chapter, which latter was to be held in July. During the visitation, Fr. J. M. Guzmán acted as his secretary.[2] The chapter convened on July 6th, 1840, Fr. Comisário García Diego, now Bishop-elect, presiding, and chose Fr. José Maria Guzmán guardian of the College. The discretos elected were Fr. José Maria Puelles, Fr. Àngel Martínez, Fr. Bernardino Pérez, and Fr. Rafael Sória. Fr. Pérez was also made vicar, and Fr. Anselmo Palomár was entrusted with the office of master of novices. Fr. Pérez had been in California with Fr. Diego until the

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[1] Fr. Guardian Francisco Fréjes and discretos to Fr. García Diego. "Sta. Barb. Arch."

[2] Fr. García Diego to the Guardian and discretos. Same to same, June 19th, 1840. "Sta. Barb. Arch."

end of 1835.[3] These Fathers again assembled on July 22nd for the election of a comisario-prefecto of the missions in charge of the College to succeed the Bishop-elect. Fr. Rafael de Jesus Sória was chosen for the position, and he, at once, appointed Fr. José Maria de Jesus Gonzáles Rúbio, then at Mission San José, his vice-comisario for the Zacatecan missions in California. Fr. González was also named presidente of the missions.[4]

Fr. Sória immediately transmitted the Patente, or certificate of election, to Fr. González Rúbio, and at the same time cut off every objection by ordering him in holy obedience to enter upon the duties of both offices without delay. In a separate letter the Fr. Prefecto also requested an exact report on the missions.[5] Replying under date of November 3rd, 1840, Fr. Rúbio, therefore, drew up a complete account which deserves to be reproduced, because it affords a good view of the state of the missions just before the arrival of the Bishop.

"I had not expected to be reelected vice-comisário prefecto or presidente," the Fr. Presidente begins his description, "as well because of my well known incompetence as because of my repeated protests before the former election of 1834; but I am resigned.

"Your Paternity desires me to furnish an exact report on the state of the missions. This is no more than right, yet, what can I say to Your Paternity that will not sadden your heart and break it like mine?[6] Deplorable fate! I have nothing encouraging to announce! All is destruction, all is misery, humiliation and despair. Only six years have sufficed

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[3] Fr. García Diego to Fr. Rúbio, August 11th, 1840. "Sta. Barb. Arch."; Sotomayor, "Historia de Guadalupe," p. 644.

[4] "Patente," July 22nd, 1840. "Sta. Barb. Arch."

[5] "Patente," July 22nd, 1840; Fr. Sória to Fr. Rúbio, July 29th, 1840. "Sta. Barb. Arch." "Libro de Patentes," Mission Santa Cruz; Fr. Rúbio, "Circular," October 29th, 1840, that he had been re-elected presidente and appointed vice-comisário. "Libro de Patentes," San José Mission.

[6] "Que podré decir á V. P. que no angustie su corazon y lo divida como el mio?"

not only to annihilate the missions, but also to destroy in us every hope of restoring these establishments reared at the cost of so much toil and sacrifice. The evil to-day is certainly irreparable. Our predecessors so entwined the spiritual and temporal interests of these neophytes that the one sustained the other. When, therefore, the control of the temporalities was taken from our hands, everything fell to the ground. Our neophytes, without protection, without support, without having scarcely wherewith to clothe and feed themselves, excite the deepest compassion. There are few who remain in thier missions, and those who have not gone back to their ancient paganism, wander from one mission to another, from one rancho to another, in search of work to relieve their direct necessities. Oh! how many of these unhappy creatures have died without the Sacraments, and the missionary only then received notice of it after they have been buried in the fields! Let especially the missionaries of San Rafael and of San Solano tell this.[7] In such a bitter situation, the majority of them speaking an idiom which is foreign to us, what civil education, what religious instruction is it possible to give them? If at the most favorable periods, when everything could be done, God knows how difficult it was to curb their barbarous habits, lessen their heathen antipathies, regulate their moral life, and infuse into them some degree of appreciation and respect for the Religion of our Lord Jesus Christ, if then, I repeat, it was difficult, what must it be to-day, when nothing can be done except in the face of insuperable difficulties? Your Paternity, picture it to yourself.

"Likewise, the conversion of the gentile tribes was always difficult. What then must it be now that, besides lacking the means to clothe and feed them, everything seems to cooperate in driving them away, and even in alienating them forever, by instilling into them a lasting and deadly hatred for the whites and the missions on account of the destructive warfare which is carried on against them? Nevertheless, here in the north, I am the only one most fortunate in this respect. In the present year, the number of pagan adults whom I have

[7] These regions were under the domination of Mariano Vallejo.

baptized exceeds one hundred, not counting the many children under eight years who have been brought along with them. Without these, however, and other numerous conversions this mission in my charge would to-day have no neophytes. Some have run away; others are wandering as vagabonds from place to place, and the greater number of them are suffering from the *gálico,* consumption, scrofula and many other diseases which are consuming the poor things so fast that, in the short period of eight years, during which I served this mission, I have buried over thirteen hundred. This number is slightly smaller than the one I found on my arrival. Without doubt, too, scarcely eight hundred would now be alive if the Lord had not blessed my efforts, solicitude, and means for the conversion of the survivors of the tribes known as Ochejames, Tunisumnes, Cosomnes, Muguelomes, Gualacomnes and many others who are now congregated here. O my dear Fr. Commissary! how much I might now tell Your Paternity on this subject of conversion, if the wretched secularization[8] and other circumstances had not impeded the grand spiritual conquest of hundreds who at San Rafael and San Solano had begun to congregate in the year 1834 (who have now already fled), and who, at this date, three times as numerous, would have been converted to the Faith of Jesus Christ! Alas! now the time of building up seems already to have passed by. Our eyes are witnesses of only the most irreparable ruin, spiritual as well as temporal, of these missions of Alta California. God alone can apply the remedy. May He deign to do so for His glory.

"I pass on now to say something about our churches. At present, they are poor, unsuitable, humiliated and almost at the mercy of the majordomos, the majority of whom are very rude and possess little piety,[9] and all with regard to the means in their care, very much restricted in providing what is needed for the support of Divine Worship and of the missionaries.

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[8] "malhadada secularizacion."

[9] "El dia de hoy se ven las iglesias pobres, incongruas, humiliadas, y casi sujetas al arbitrio de mayordomos bien bruscos en su mayoria no muy piadosos."

The Reglamento of March 1st, 1840, permits them to give us only the necessary grain, meat and the rest produced by the mission. When it happens, as at some missions, that it is not on hand, nothing of all this is given. The rest that may be needed must be asked every three months from the office of the inspector-general, which office has already been suppressed, so that for our sustenance really nothing has reached us through those same majordomos; and, if it be for Divine Worship, they may not give us a *notable* quantity without first consulting the governor, and without letting us know what this *notable* quantity shall be, because no fixed amount whatever is assigned, nor is it known what will be the maximum or the minimum.[10] All seems to be left to the discretion of the majordomo.[11]

"Such is the law, but even when the practice is in conformity with it, what can we expect from establishments the majority of which are almost ruined? Some, like Soledad, San Carlos, San Juan Bautista, Santa Cruz, San Francisco, San Rafael, and San Solano are almost as though they had ceased to exist. Santa Clara is already tottering, and this San José Mission is only half alive. In the year 1834, by the law of secularization, magnificent offers were made to us, but, in spite of them, some of the missionaries have been seen in misery. In some of the churches Divine Worship would be entirely abandoned if the solicitude of their missionaries did not go in search of wax, flour for hosts, and altar wine for the celebration of holy Mass, etc.

"This servitude and humiliation by which Divine Worship and its ministers depend not upon the Chief Guardians of the Sanctuary,[12] but upon the civil power and upon the caprice of majordomos, in which situation we are since the year 1834, is not now, nor has it been, in my power to avoid. Hence my affliction has reached the highest point, especially in a country whose few inhabitants are accustomed only to receive, but not to give alms. I have no authority to solicit fees for

[10] See pp. 43-50, this volume.

[11] "Todo parece queda al arbitrio del mayordomo."

[12] "Gefes del Santuario," i. e. the Bishops and Superiors.

the support of Divine Worship and for the missionaries;[13] and, in case I had it, would it be prudent to introduce the practice, considering the insignificant amount that would result as well as the fact that it would be most odious to a small population the majority of which is very poor, and accustomed to be served *gratis?* In this struggle of mind, I have had no other recourse than to call upon God, exhort my brethren to be patient, and to provide for their subsistence and for the maintenance of Divine Worship from alms and other honorable receipts. Of course, I have made emphatic representations to the territorial government; but it has not been possible, nor is it possible, to secure, in a fixed manner, even the most moderate support. For the missionary of San Juan Bautista and Santa Cruz, it is true, I was offered the only source left there, the orchards; but as they are in an almost abandoned state, to fence and cultivate them would require some expense, and then, on account of conditions in the territory, the product would be of little more value. In reply, I merely advised the territorial government to let these orchards, and to strictly command the product to be delivered to the missionary for the benefit of Divine Worship; but to the present time nothing has been done in the matter.

"Likewise for San Carlos, San Rafael, and San Solano I have been offered land and cattle for establishing a rancho for the support of Divine Worship and its minister; but imperious circumstances, which I cannot confide to the pen, and scruples arising from our mode of life, caused me to contemplate with repugnance the acceptance of landed property and of burdening our Fathers with the task of establishing and managing it. In consequence, I have expressed my thanks, and I have prayed the governor to reserve his generosity until the Bishop arrives. Meanwhile, we shall

[13] Except for holy Masses, the Fathers were forbidden to accept fees for administering Baptism, for marriages, burials, etc. See pp. 518-519, vol. iii. "The salaries provided for the priests under the secularization law were not paid, and the priests were starving, and in many instances were receiving alms from the people." James Alexander Forbes, British consul, before the Felch Land Commission, San Francisco, February, 1854.

maintain ourselves by means of alms. Thanks be to God! we have not yet perished, and, although there was scarcity, what was most necessary has not been lacking us. I indeed feel uneasy for sometimes having to tolerate little things which according to our strict manner of life ought to be omitted, but imperious necessity of having to eat renders them indispensable.[14]

"I have written two letters to your worthy predecessor urging him, as I now beg Your Paternity, to obtain for us an increase of $200 to the stipend from the Pious Fund, which the Lower California Fathers have secured for themselves. As I understand it, all the reasons adduced by the Dominican Fathers to obtain this favor also militate in our behalf, and more so because we have no ranchos, nor private orchards which the said Dominicans possess. Besides, instead of being paid in coin, the stipends of $400 are paid by means of shawls, serapes, silks, cotton cloth etc.,[15] at a well advanced price so that we receive but one-half of the stipend. In addition, we are compelled either to go about trying to sell things in order that we may be able to purchase what is indispensably necessary (and this does not consist of sugar and chocolate alone), or to accept still less. Please, Your Paternity, see that the stipend is increased and that it be paid to us here in coin, and not through covetous merchants, but by a generous and punctual hand." [16]

It might seem from this that the Franciscans were inconsistent (for the Fr. Presidente of the Zacatecans here but expressed the sentiments of all the friars), inasmuch as they had established and managed landed property for more than sixty years; but there was a radical difference. The mission temporalities created by them were the property of the Indians, and the revenues were used entirely for these In-

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[14] "Aunque me assiste el sentimiento de tener algunas veces que tolerar algunas cosillas que en la delicadeza de nuestro estado debian omitirse, pero la imperiosa necesidad de comer, las hace indispensables."

[15] things for which the Fathers had no use.

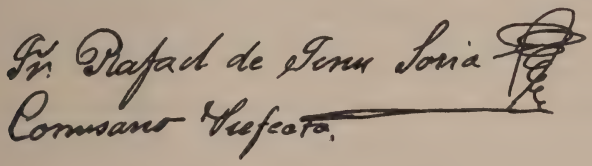
[16] Fr. Rúbio to Fr. Sória, November 3rd, 1840. "Sta. Barb. Arch."

dians, who, as minors, could not manage them to advantage, indeed, would have lost them. Even to this much the Franciscans consented for the sole reason that they could in no other way win and retain the natives for Religion. From the first to the last, the friars, in sincere love for "Lady Poverty," were determined to avoid the very shadow of ownership of which malevolent critics could have pretended to find them guilty, if they had accepted any landed property or fixed income even for the sake of Divine Worship. On this point, they were inflexible, and the most malicious enemy will look in vain for solid facts to vilify them. On the other hand, they could accept the allowance from the Pious Fund, and they insisted that it be paid, because the revenues from that Fund had been destined for the maintenance of missionaries among the Indians, in order that by means of such stipends Religion could be established among the natives. Nevertheless, they regarded this allowance as an alms only, and used for themselves so much only as was indispensably needed to keep body and soul together. It is difficult, however, says Bancroft, "to ascertain what amounts were received, though the friars continued to draw on the Fund and the traders to negotiate their drafts. The payments were not only irregular and subject to heavy discounts, as already stated, but they were often made by the traders in articles for which the padres had little use. From 1834 to 1837, the amount paid from the Fund to the missionaries in Alta California is given as $33,464.25; and that from November 1840 to February 1842, as $22,000; but I find no intermediate accounts." [17] As shown elsewhere, the traders demanded as much as twenty-five per cent for collecting the stipends from the Pious Fund. Deducting in addition, the freight charges for the goods, we can see how little each friar received for his sub-

[17] Bancroft, iv, 66. While Ramírez was director of the Pious Fund, after 1840, the sums disbursed on account of stipends, were paid to J. A. Aguirre, a merchant of Guaymas, later of Santa Barbara. Pedro Ramírez in "El Siglo XIX," Mexico, March 2nd, 1842. "Sta. Barb. Arch." Bancroft, iv, 67.

sistence, and why Fr. Rúbio was compelled to ask for an increase of $200.

In a circular issued eleven days after the letter demanding the preceding report, Fr. Sória notified the friars in California that, inasmuch as many of the missions upon the arrival of the Bishop would doubtless be converted into curacies, and that the Fathers who placed themselves under the direct jurisdiction of the Bishop and accepted such parishes would thereby cease to be missionaries and would



Signature of Fr. Rafael Sória.

become curates, he (Fr. Sória), in accord with the Fr. Guardian and discretos of the College, declared that such Fathers, who subjected themselves to the Bishop by taking charge of such parishes, must not expect any relief from the College, such as the missionaries had a right to expect who were in missions strictly so called.[18] The Fathers would be at liberty to choose, but it would have to be with that understanding.[19] This decision raised grave doubts in the mind of Fr. Rúbio, and he expressed them with a request for plainer instructions. The matter was agreeably settled when the new Bishop arrived at Guadalupe on his way to California, as we shall see in the next chapter.

The Bishop tarried in Mexico until the latter part of the year 1841 endeavoring to enlist priests and ecclesiastical students for his diocese. In his petition addressed to the Mexican Government on November 7th, 1840, he had proposed an appeal to the Pope; but on December 4th, 1840,

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[18] missions not yet secularized, that is to say, not yet surrendered to the Bishop.

[19] Fr. Sória, "Circular," August 4th, 1840. "Sta. Barb. Arch."; "Libro de Patentes," Mission Santa Cruz.

contented himself with supplicating the Government to intercede with religious Superiors in order that they might permit any priest of their respective Orders to accompany him to California. The Minister of the Interior replied: "To-day the requisite communication is made to the Rev. Fr. Provincial of the Carmelites asking him, if he do not judge it inexpedient, to give permission to such religious as you desire in your note of this date, in order that they may accompany you to your diocese. By command of His Excellency, the President of the Republic, I communicate this to Your Lordship for your information, and in reply to your said note. God and Liberty. Mexico, December 4th, 1840.—*Marín.*" [20]

Bishop García Diego himself visited various monasteries and seminaries, but with little success. No secular priests volunteered, and only a few students were secured. He thus encountered the first of the many disappointments which he experienced during his short administration. From his own *Alma Mater,* the missionary College of Guadalupe, Zacatecas, only Fathers Miguel Muro and Francisco Sánchez offered to join their brethren in the missions.

Under date of July 16th, 1841, the Bishop, therefore, petitioned the Government, through the Minister of Justice and Ecclesiastical Affairs, for permission to obtain missionaries from the Jesuits, Vincentians and other religious bodies in Europe by means of an appeal to the Pope. "On this occasion," the Bishop remarked in his petition, "I cannot but ask the Supreme Government to be pleased to use its influence, as much as it can, for the restoration of the Society of Jesus; and, if, unfortunately, this should not succeed for our whole country, I trust the Government will exercise its whole power for the purpose of having them (Jesuits) established in Alta California, and thus cheer up that territory so much exposed and so needy in all respects." [21]

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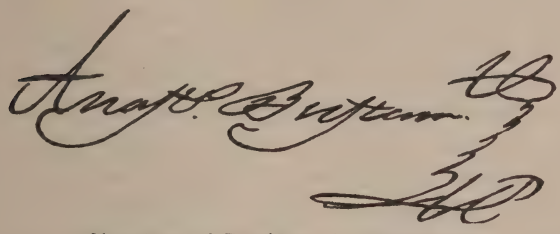
[20] "Escrituras Sueltas."

[21] "Con esta ocasion no puedo menos que decir al Supremo Gobierno se sirva influir cuanto pueda para reposicion de la Compañia de Jesus; y si por una desgracia no se consigue para toda

President Bustamante September 22nd, 1841, granted the Bishop's request; but, on October 7th, the unprincipled Santa Anna again took control of the Government and directed the following order to be communicated to Bishop Diego by the Minister of Justice and Public Instruction: "His Excellency,



Signature of President A. Bustamante.

the provisional President, has been pleased to suspend the execution of the Supreme Resolution communicated to Your Lordship on the 22nd of September last, by which you were granted permission to approach Rome for the purpose of procuring religious for your new diocese, because you can solicit religious from the Mexican Provinces, as well as priests of the secular clergy, who may afford you the assistance of which you speak in your communication of July 16th last. God and Liberty. Mexico, Octobre 19th, 1841.—*Castillo.*" [22]

At the request of the Ordinaries, Bishop Diego conferred Holy Orders on several occasions, but none of those elevated to the priesthood offered to serve in the far western diocese. He also presided at other ecclesiastical functions, notably at

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nuestra patria, creo esforzará todo su poder para lograr su establecimiento en la Alta California para hacer de este modo la felicidad de aquel pais tan espuesto, y tan necesitado por todos respetos." "Escrituras Sueltas"; "Libro Borrador." The satisfaction of introducing the Jesuits into the diocese was reserved for Fr. González Rúbio, who succeeded five years after the Bishop's death.

[22] "Escrituras Sueltas." On October 11th, 1841, General J. M. Tórnel y Mendíbil informed Bishop Diego that he had been appointed Minister of War in the Cabinet of Santa Anna. "Escrituras Sueltas."

Zacatecas, where on February 22nd, 1841, he consecrated the parish church which in 1862, when the diocese of Zacatecas was created, became the cathedral of the first Bishop. A tablet on the wall commemorates the event.[23]

The Mexican Government, as will be remembered,[24] had indeed transferred the Pious Fund Estates to the Bishop of California, but Don Pedro Ramírez, the manager, reported that the revenues for 1841 would amount to scarcely $34,000. After paying off a mortgage of $28,233 held by Mexico,[25] the poor Bishop found that less than $6,000 would be available. Out of this sum he would have to defray the expenses for the voyage of himself and retinue, and support them until the following year. The prospects for a pleasant administration, therefore, were not very encouraging.

When, at last, the Bishop had settled his business affairs at the capital, he hastened to reach his distant flock. He doubtless journeyed by way of Zacatecas and Guadalupe, and probably arrived at San Blas towards the end of October. On November 5th, 1841, we find him contracting with Henry John Crouch, captain of the English brig *Rosalind,* for the voyage north. The captain agreed to take the Bishop and twelve attendants with their effects to San Diego, furnish sufficient supplies, fresh water, and other requisites of the voyage for the sum of $2,000 and the payment of all tonnage dues.[26]

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[23] The inscription reads: "Esta Santa Iglesia Parroquial se consagró el dia 22 de Febrero de 1841 por el Ilustrisimo Señor Don Fray Francisco García Diego, Primer Obispo de Californias. A. M. D. G." Tizcareno, "Colegio de Guadalupe," 396-397. Yielding to Fr. Guardian Guzmán, the Bishop furthermore compiled a "Método," which he and the Fathers of the College had followed in former years when preaching missions to the faithful. It was completed and signed March 11th, 1840. Sotomayor, "Historia de Guadalupe," 237-255.

[24] See p. 90, this volume.

[25] "Foreign Relations," Pious Fund, p. 208.

[26] "Contrato de Flete Celebrado entre Crouch y el Obispo de Californias." "Cal. Arch.," Dept. St. Pap., Benicia, Pref. y Juzg. vi, 838-839.

Rumors that the first Bishop of California would soon arrive caused no little excitement and much rejoicing among the people, who at once began to make preparations for a worthy reception of their Chief Pastor. At San Diego, the alcalde, as early as September 1st, ordered the streets to be kept clear of cattle, as the Bishop might arrive any day.[27]

Strange views, which happily were not shared by any one else, agitated the mind of the chief enemy of the friars in connection with the change in the ecclesiastical affairs of the territory. Writing to Virmond, under date of December 1st, Mariano Vallejo relieved himself of this bit of venom, which is reproduced to further characterize the man. "The coming of the Bishop is going to cause some headache. The priests who are expecting him are already filled with pride, and, relying upon said chief of the Church, they are beginning to fulminate sentences. Poor men! They believe firmly that here the Bishop can consign any one to the stocks and launch an excommunication against the leading men [28] of the country. I have reference to those in office who will not kneel down in the road to receive a blessing. This makes me recall the centuries of theocratic domination. However, we shall see and know the robes and ceremonial of such Bishops, for here the theological officials are not clearly known.[29] If they intended to plant new missions among

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[27] Bancroft, iv, 196.

[28] "Creen firmamente que aqui el Obispo puede hechar al cepo á cualquier, y lanzar una excomunicacion contra los gefes del pais, habiendo referencia á los actuales" (Mariano Vallejo above all of course), "que no se hincarán á recibir una bendicion en la calle." A queer Catholic was this Mariano Vallejo! Had he studied the character of priests and Bishops from the Catholic Catechism, and judged them from such living examples before him as FF. Durán, González, Moreno, the Jimenos, etc., instead of going to the unspeakable Voltaire and the Jacobins for information, he could not have penned such libels. Virmond, moreover, to all appearances was not a Catholic.

[29] Had he been a faithful and well instructed Catholic, Vallejo, instead of sneering at the accredited ministers of Religion, would have rejoiced with the people.

the savages, some good might result; but nothing is farther from the mind of the priests." [30]

It is not known when the *Rosalind* sailed from San Blas, but she dropped her anchor in the harbor of San Diego, apparently, in the night of December 10th,[31] for one of the two friars aboard went ashore that very night to notify the presidio commander and to make preparations for the reception. Immediately, two cannons announced the tidings to the populace. The Bishop finally landed on Saturday, December 11th, and was borne in a sedan chair to the home of Juan Bandini, the only house in the place suitable to harbor the Bishop and those who accompanied him from Mexico.

Next day, the Bishop announced his arrival to Governor Alvarado,[32] and on the same date despatched the following note to Fr. González Rúbio, Superior of the Zacatecan friars: "San Diego, December 12th, 1841. My Son, Brother, and most beloved Father.—Yesterday [33] I reached this insignificant town [34] in good and sound health, thanks be to God! You have me here now at your service.

"I brought with me two priests of our College, and think that one of them will, as soon as possible, proceed to your

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[30] Vallejo, "Documentos," viii, 335. After robbing the missionaries of everything with which to attract the pagans and establish missions, this charge added insults to injury. The friars, as the preceding volumes demonstrate, had nothing more at heart than the conversion of the savages. Why Vallejo wanted to be regarded as a Catholic, is a puzzle.

[31] "A noche ha dado fondo el bergantine Ingles "Rosalinda." J. F. Snooks to S. Argüello, December 11th, 1841. "Al anochecer de ayer," writes M. de Pedrorena to J. A. Aguirre, December 11th, 1841. Letters addressed by Comandante S. Argüello to Manuel Jimeno, December 12th, 1841. "Cal. Arch.," Dep. St. Pap., Benicia, Pref. y Juzgad., iii, 861-862.

[32] "Archb. Arch.," no. 2259.

[33] "El dia de ayer." Just six years after he had embarked from there for Mexico. "El 17 de Noviembre nos dimos á la vela (Monterey) para San Diego, y á principio del Diciembre oí en el mismo puerto, etc." Fr. García Diego to the Government. Mexico, July 20th, 1836. "Sta. Barb. Arch."

[34] "pequeñisima ciudad."

mission to take your place, in order that you may come to serve me as secretary and confessor. I have already spoken to the Fr. Guardian about this and he has consented. You may notify the Fathers when you come in order that they may address you wherever you may be when they have any business with you.

"The ex-donado,[35] Gómez, arrived with me as sub-deacon.[36] There also came along three other students, of whom two will soon be ordained. Two boys are also in the company. With them I shall start my seminary. I could not obtain more for reasons which I shall tell you when we meet. Do not fail to write to me as often as you can, etc. Fr. Francisco, Bishop of the Californias." [37]

The company of the Bishop consisted of the following persons: Fr. Miguel Muro, Fr. Francisco Sánchez, Rev. Miguel Gómez, subdeacon, Antonio Jiménez del Récio, José Maria Rosáles, and Dorotéo Ambrís, students, the two boys Agapíto Cabréra [38] and Gervásio Valadéz,[39] Alejo Salmon, a young man of twenty-three years and tailor by trade,[40] a young

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[35] Lay-brother of the Third Order Regular at the Franciscan College of Zapópan, near Guadalajara, when he resolved to study for the priesthood.

[36] The Bishop had ordained him at Guadalajara on July 25th, 1841.

[37] "Sta. Barb. Arch." The Bishop uses the second person singular in addressing Fr. González, which shows they were on most intimate terms. "Circular" of same date to Zacatecans. "Libro de Patentes," Mission Santa Cruz.

[38] He returned to Mexico soon after the Bishop's death, became a Franciscan, and, at the age of eighty years, he was guardian of the College of Guadalupe, where we met him in 1905.

[39] He remained at Mission Santa Barbara until 1849, when he disappears from the records. He had never received holy Orders, and probably returned to Mexico.

[40] He later on married and acted as tailor for the Fathers down to the year 1885. He died at Santa Barbara, February 15th, 1903, at the age of eighty-five years. "Santa Barbara Independent," February 16th, 1903. "Libro de Cuentas."

gardener named Leandro Martínez,[41] Doña Josefita Gómez y Diego, the Bishop's niece,[42] and Doña Soledád, an elderly companion to Doña Josefita.[43]

A week after his arrival, Saturday, December 18th, 1841, Bishop García Diego, for the first time in his diocese, administered the Sacrament of Confirmation to one hundred and twenty-five persons at the San Diego presidio chapel. Pio Pico, Francisco Maria Alvarado, José Antonio Estudíllo, Manuel Verdúgo and others acted as sponsors for the men and boys.[44] Next day the Bishop conferred the Tonsure and Four Minor Orders on the three ecclesiastical students Antonio Jiménez, José Maria Rosáles, and Dorotéo Ambris.[45]

Meanwhile, the news of the Bishop's arrival at San Diego had spread all over California; but in no locality the report elicited more genuine rejoicings than at Santa Barbara, where, for a long time, the prelate's coming to the territory had been anxiously expected. "At length," writes Robinson, "a courier arrived from San Diego, on the 16th of December, 1841, announcing the fact of his having disembarked at that place. He came as a passenger on board of an English brig from San Blas, accompanied by several priests, two schoolmasters, three schoolmistresses,[46] and four seminarians. The news was received with the most enthusiastic expres-

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[41] He also married and had a ranch near Santa Barbara. "Libro de Cuentas." Fr. Romo, "Diario," February 15th, 1872. "Sta. Barb. Arch."

[42] She died at Santa Barbara in December 1852. "Libro de Cuentas."

[43] She returned to Mexico soon after the Bishop's death, 1846. "Libro de Cuentas," Santa Barbara Mission.

[44] "Libro de Confirmaciones," Mission de San Diego.

[45] "Libro de Gobierno." Bishop's Archives, Los Angeles.

[46] Robinson was an eye-witness. Nevertheless, his desire to render statements "readable" and interesting frequently caused him to be inaccurate. It is probable, however, that the Bishop destined the two ladies of his company to teach school, since he had, indeed, planned a school for girls (see page 208, no. 6); but, like the other projects, this one may have failed and thus induced the ladies to be content with keeping house for the illustrious relative.

sions of joy by the inhabitants of Santa Barbara; guns were fired, and skyrockets let off in every direction. At the Mission the bells rang a merry peal, and the music of the band [47] was heard at intervals as its harmonious sounds floated through the air." [48]

The Bishop, ere long, reached the conviction that San Diego with its fewer than one hundred and fifty inhabitants,[49] its wretched habitations, and its lack of resources, was unfit to be the centre of a vast diocese. He, therefore, resolved to transfer his residence to a more favorable place, and, for the present, to take up his quarters with Fr. Prefecto Narciso Durán at Mission Santa Barbara, until Divine Providence should ordain otherwise.

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[47] There was an Indian band of about thirty pieces at the mission. Fr. Durán himself had been the instructor.

[48] Robinson, "Life in California," 201-202.

[49] Among them were ten foreigners, of whom three had families. In 1839 the number of votes cast in the whole district for electors was only thirty-one. Bancroft, iii, 611.

## CHAPTER III.

Bishop Diego's Enthusiastic Reception at Santa Barbara.—His Letter to Governor Alvarado.—Petition of the Barbareños.—Simpson's Description of the Town.—John C. Jones's Views.—The Bishop Decides to Stay at Santa Barbara.—State of the Church in Upper and Lower California.—The Bishop's First Official Acts.—His First Pastoral.—Unwise Measures.—The Pious Fund.—It is Confiscated by Santa Anna.—His Pretext.—Bancroft on the Subject.—Bishop Diego's Predicament.—Appeals to the National Government.—Has to Pay Tonnage.—Appoints Tithe Collectors.—Mariano Vallejo again Heard From.

WHEN Don José Antonio Aguirre, a wealthy merchant and ship owner, who had lately married Rosário, the daughter of José A. Estudillo, and intended taking his bride to Santa Barbara, learned that the Bishop had determined to remove to that city, he invited his Lordship and retinue to make the voyage on his bark, the *Guipuzcoana*. The offer was accepted, and the information conveyed to Santa Barbara by the schooner *Leónidas*. The news caused great joy there, and preparations were made to receive the first Bishop of California with becoming splendor.[1] Robinson, who witnessed the scene, describes it as follows:

"The vessel was in sight on the morning of the 11th of January, 1842, but lay becalmed and rolling to the ocean's swell. A boat put off from her side, and approached the landing-place. One of the attendants of his Excellency who came in it, repaired to the Mission, to communicate with the Father Presidente. All was bustle; men, women, and children hastening to the beach, banners flying, drums beating, and soldiers marching. The whole population of the place turned out, to pay homage to this first Bishop of California. At eleven o'clock the vessel anchored. He came on shore, and was welcomed by the kneeling multitude. All received his benediction—all kissed the pontifical ring. The troops,

[1] Robinson, "Life," 202-203.

RECEPTION OF BISHOP DIEGO AT SANTA BARBARA MISSION CHURCH

and civic authorities, then escorted him to the house of Don José Antonio, where he dined. A carriage had been prepared for his Excellency, which was accompanied by several others, occupied by the Presidente and his friends. The females had formed, with ornamental canes, beautiful arches, through which the procession passed; and as it marched along, the heavy artillery of the presidio continued to thunder forth its noisy welcome. At the time he left the barque she was enveloped in smoke, and the distant report of her guns, was heard echoing among the hills in our rear. At four o'clock, the Bishop was escorted to the Mission, and, when a short distance from the town, the enthusiastic inhabitants took the horses from his carriage and dragged it themselves. Halting at the small bower, on the road, he alighted, went into it, and put on his pontifical robes; then resuming his place in the carriage, he continued on, amidst the sound of music and the firing of guns, till he arrived at the church, where he addressed the multitude that followed him." [2]

Under date of April 10th, 1842, the Bishop notified the governor that he had arrived at Santa Barbara from San Diego. By way of explanation, he wrote to Alvarado on April 25th, 1842: "Although our Holy Father Gregory XVI., in his Bull erecting the See of both Californias, thought proper to direct me to establish my episcopal seat, build my cathedral and locate my residence, at San Diego, as the center of the diocese, I have seen with the deepest pain, when I reached that point, that it is daily exposed to incursions from savages; that its population, instead of promising some growth, is almost on the point of dying out; that its resources are insignificant or rather amount almost to nothing; and, finally, that there is no probability of its return to prosperity.

"Nevertheless, I staid some days, more inclined to remain than to leave said port; but Divine Providence, which I continually besought for light, without action on my part, in an unexpected manner was pleased to transfer me to this town of Santa Barbara, where I was received with enthusiasm by

[2] Robinson, 203-204. The Bishop was then fifty-seven years of age.

the inhabitants. I have staid here to this date enjoying the sweet pleasure which a tender father feels at seeing himself surrounded by affectionate children. Since I arrived at this port, I have experienced not only the most cordial hospitality, but also such demonstrations of affection, of respect and devotion towards my person that they could not fail to attract my attention, and, at the same time, excite my warm gratitude. The neophytes of this Mission, headed by their alcaldes, beg me not to abandon them, and I am thinking of continuing in their midst and of offering myself for their welfare.

"The garrison of this place, with their officers and the commander, have manifested no less devotion. The whole population of the neighboring presidio town, in two distinct memorials, have employed all their eloquence and persuasion in their determination to interest me in their favor by showing the advantage and necessity of staying here, and by making little of some difficulties. They place at my service all available resources for the purpose of assisting me in erecting the public structures which I desire to undertake. The most prominent ladies, too, twice in a body, appealed and supplicated me on bended knees not to cause them the deep pain of withdrawing from here."

The Bishop, at some length, then tells the governor that the generous action of the Santa Barbara people had not only aroused his affection and gratitude, but had also made him reflect, that, first, not counting the extreme southern part of his diocese in Lower California which was but a horrible desert, Santa Barbara was really more centrally located than San Diego; and, secondly, that by reason of its security, the goodness and progressiveness of its growing population, its commerce and its good harbor, the place offered better facilities to extend his pastoral care to all portions of his flock.

"Moved by these powerful motives, and by others which, for the sake of brevity, I omit," the Bishop continues, "I have come to the resolution to stay here, and to fix my epis-

copal residence at this church of Santa Barbara.[3] Meanwhile, I shall report the situation to our Most Holy Father, the Pope. I am convinced that Your Honor will gladly approve this resolution. In view of the said facts, and for the reason that I cannot build my cathedral, the seminary, and my residence in so short a time as I wish, I am compelled to ask Your Excellency for the favor of issuing the necessary orders so that I may not be molested while I am a guest at this house,[4] but rather that I be allowed all that part of the building which I may choose for my habitation, for the Rev. Fathers, for my domestics, and for some boys who may be admitted to receive instructions in ecclesiastical sciences." [5]

The Memorial, dated April 15th, 1842, and mentioned in the letter, was signed by one hundred and twenty-three most prominent residents. Among the signatures appear the names of the following gentlemen of foreign birth: John C. Jones, John Wilson, Alfred Robinson, Robert Pard, Edward Stokes, Joseph Snook, Henry Nellus, William Dana, Joseph Chapman, John Robbins, James Scott, Louis Burton, Stephen Ardison, Nicholas A. Den, Samuel Hill, Thomas Sparks, W. E. P. Hartnell.[6] That the Bishop acted wisely in yielding to the importunities of the petitioners may be gathered from a description of the place by Sir George Simpson, who visited Santa Barbara in 1842, the year of the Bishop's arrival.

"Santa Barbara," Simpson writes, "is somewhat larger

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[3] that is to say, the Mission Church.

[4] the old mission building, which was also occupied by the administrator and his family.

[5] "Archb. Arch.," no. 2263; also "Libro Borrador," ibidem. The letter is in the hand of Fr. González Rúbio, but signed by the Bishop.

[6] "De la Guerra Papers," ii, 193. Bancroft Collection. On April 30th, the Bishop sent a suitable reply, and a similar one to the presidio commander and to the Indian alcaldes. "Libro Borrador." In June 1841, the town had 262 men between the ages of 18 and 60 years. Bancroft, iii, 649.

than Monterey, containing about nine hundred inhabitants, while the one is just as much a maze without a plan as the other. Here, however, anything of the nature of resemblance ends, Santa Barbara in most respects being to Monterey what the parlor is to the kitchen. Among all the settlements as distinguished from the rascally pueblos, Santa Barbara possesses the double advantage of being both the oldest and the most aristocratic. The houses are not only well finished at first, but are throughout kept in good order; and the whitewashed adobes and the painted balconies and verandas form a pleasing contrast with the overshadowing roofs blackened by means of bitumen, the produce of a neighboring spring. Nor is the superiority of the inhabitants less striking than that of their houses." [7]

The sentiments of the Barbareños, as the residents were called, may also be gathered from a description characteristic of the old time New Englander. Writing from Santa Barbara to Thomas O. Larkin, John C. Jones, a Sandwich Island merchant, on April 16th, 1842, makes display of his ancient Bostonian ignorance and bigotry in this way: "Religion appears to be the order of the day; too much of it has made the people mad. The Bishop rules triumphant, and the wretched priest-ridden dupes would lick the very dirt from off his shoes were he but to will it. For myself I am disgusted with his proceedings; if what is taught here is religion, the less we have of it the better; indeed, it is blasphemy. By the way, it is quite certain that his holiness will make this his place of residence, and here erect his college—the tenths will be paid by this good people with but few exceptions in preference—they unhesitatingly say—to all other demands. I am not certain that that will satisfy the rapacious appetites of these blood-sucking emissaries of the Pope; they are all of the horse-leech family whose cry is continually, Give! give!" [8]

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[7] Bancroft, iv, 639.

[8] Larkin, "Documentos," vol. i, 252. Bancroft Collection. Jones must have had his canting countrymen of the Sandwich Islands in mind when he attempted to picture the California friars. See Ap-

We have already noted that the vexations to which Fr. Durán and his companion were subjected at Mission Santa Barbara under the rule of administrators had caused the venerable Fr. Prefecto to leave it and take up his quarters at a private house in the town below.[9] Such indignities could, of course, not be practised on the head of the new diocese, least of all, in the present temper of the Barbareños. When the Bishop decided to reside at the Mission, it seems all the apartments required by him and his official family were immediately vacated. Nevertheless, he thought it well to ask for an authoritative assignment of the desired quarters, which he did in his letter of April 25th, already quoted. Governor Alvarado in reply expressed himself willing to aid the Bishop in every way possible, and asked him to specify the part of the Mission building which he desired.[10] After receiving another more specific letter from the prelate, Alvarado issued the following order to the official in charge of the mission: "The governor directs you to place at the disposal of the Bishop all the apartments that he occupies, and likewise the quarters which his household may have, and whatever may be necessary for the offices of the Bishop; and you will leave to the missionaries [11] the rooms which have always been set apart for their habitations." [12]

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pendix I, preceding volume. Yet Jones himself, only the day before, signed the petition of the 123 residents asking the Bishop to stay at Santa Barbara! Later he even married a Catholic, Manuela, the daughter of Carlos Carrillo. Bancroft, iv, 694.

[9] See chapter vi, sect. i, this volume. See Appendix B.

[10] Bishop Diego to Alvarado, April 10th. "Cal. Arch.," Dep. Rec. xii, 176-177; "Libro Borrador." April 25th; "Archb. Arch.," no. 2263; "Libro Borrador." Alvarado to Bishop Diego, April 20th; April 29th; "Cal. Arch.," Dep. Rec. xii, 180-181; "Escrituras Sueltas."

[11] Fathers Durán and Antonio Jimeno and attendants.

[12] Bishop Diego to Alvarado, May 6th. "Libro Borrador." Alvarado to the encargado of the Mission, June 21st, 1842. "Cal. Arch.," Dep. Rec., xii, 189.

It is in order now to cast a glance at the state of the Church in the Californias under the jurisdiction of the first Bishop. Accordingly, from south to north, the missions, parishes and priests were the following:

I. Upper California.

*A. Fernandino Franciscans.*

San Diego, Mission and presidio, Fr. Vicente Páscual Oliva.

San Luis Rey, Fr. Francisco González de Ibárra.

San Juan Capistrano, Fr. José Maria Zalvidéa.

San Gabriel Mission, Fr. Thomás Eleutério Esténaga.

Los Angeles, attended from San Gabriel.

San Fernando, Fr. Blas Ordáz.

San Buenaventura, attended from Santa Barbara by Fr. Antonio Jiméno.

Santa Barbara, Mission and presidio, Fr. Narciso Durán, Comisário Prefecto, and Fr. Ant. Jiméno.

Purisima, vacant.

Santa Inés, Fr. José Joaquín Jiméno, Presidente.

San Luis Obispo, Fr. Ramón Abélla.

San Miguel, Fr. Juan Moreno.

*B. Zacatecan Fransciscans.*

San Antonio, Fr. José Gutiérrez.

Soledad, abandoned.

San Carlos, attended from Monterey.

Monterey, Fr. José Suárez Reál.

San Juan Bautista, Fr. José Ánzar.

Santa Cruz, Fr. Antonio Suárez Reál.

Santa Clara, Fr. J. Maria Vásquez del Mercado.

San José Mission, Fr. José González Rúbio, Presidente.

San Francisco, Mission and presidio, vacant.

San Rafael, José Lorenzo Quíjas.

San Francisco Solano, attended from San Rafael.

II. Lower California.

San José del Cabo, Fr. Gabriel González, Dominican, Presidente.

San Antonio, white pueblo, Fr. Ignácio Ramírez de Arellano, Dominican.[13]

San José Comundú, Fr. Vicente Sotomayór, Dominican, and Fr. Ascénsio Tórres of the Order of Merced.

Santo Tomás, Fr. Tomás Mansilla, Dominican.[14]

Fr. González Rúbio, towards the close of March, 1842, joined the Bishop at Santa Barbara in order to act as secretary. He had officiated at Mission San José for the last time at a Baptism on March 6th. Fr. Miguel Muro, who had come with the Bishop, replaced him at the said mission. Fr. Francisco Sánchez, the other Franciscan priest who had accompanied the Bishop, remained at Santa Barbara Mission as professor to the ecclesiatical students already named.[15]

On April 12th, 1842, the Bishop requested the Superiors of the two missionary bands, Fathers Durán and Rúbio, to direct the Fathers under their jurisdiction to transmit exact inventories of their respective churches. Ten days later, April 22nd, he notified the same Fathers that he confirmed all the ordinary and extraordinary faculties heretofore granted to the missionaries, save a few which he reserved and pointed out.[16] In a circular dated April 26th, 1842, Fr.

[13] "The Fr. Provincial of the Dominican Province at this Capital informs the Supreme Government that, owing to the death of Fr. Felix Caballero, Presidente of the Missions in Lower California, he had named for that position Fr. Gabriel González, and for vice-presidente Fr. Ignácio Ramírez, which is what I have to say to Your Lordship by order of His Excellency, the President of the Republic, for your information." Minister of Instruction, Marín, Mejico, November 28th, 1840, to Bishop Diego. "Escrituras Sueltas."

[14] "Escrituras Sueltas." For the number of Indian and white inhabitants in Upper California, see chap. vii, p. 130; chap. x, p. 185, this volume.

[15] Baptismal Register, Mission San José; Account Book, Mission Santa Barbara.

[16] "Libro Borrador," Archb. Arch.

Durán communicated the information to his friars, and at the same time instructed them to receive the Bishop as solemnly as possible according to the Ritual whenever he came to make the canonical visitation of the churches, bearing in mind that he must be regarded and obeyed as the only Superior Prelate of all the churches.[17]

Only three weeks after his arrival at Santa Barbara, the Bishop issued his first pastoral letter on California soil. It treated of the means necessary to execute the "grand projects which he had formed for the welfare, happiness, and glory of the country."[18] These plans contemplated the founding of a seminary, as directed by the Pope,[19] primary schools for the children of both sexes, an academy for girls, a cathedral, and episcopal residence.[20] As he possessed nothing, the Bishop continued, he had resolved to introduce the system of collecting tithes[21] from the produce of the field and from the live-stock.[22] The decrees of nine minor ecclesiastical councils, three General Councils, and the declarations of Saints Cyprian, Jerome, Augustine, and Chrysostom are quoted to show that the faithful are obliged under pain of grievous sin to contribute to the maintenance of God's Church, in other words, to pay tithes, and thus to render to God what is God's, just as in the capacity of citizens, they

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[17] "Siempre que el Illmo. Sr. Obispo se presente á visitar las Iglesias de nuestras misiones, lo reciban como manda el Ritual con la solemnidad que sea posible en cada una de ellas, y que por parte de VV. sea considerado y obedecido como unico Superior Prelado de todas ellas." "Sta. Barb. Arch."

[18] "los projectos grandiosos, que hemos formado para el bien, felicidad y gloria de este pais."

[19] "N. Smo. Padre Gregorio XVI. nos encarga fundar un Colegio Seminario."

[20] "Pastoral" of October 4th, 1840.

[21] "Diézmo," tenth. The obligatory contribution for the maintenance of Divine Worship and its ministers. It varies with different countries. Pew rent with us is the most common manner of collecting the contribution. See "Catholic Encyclopedia" for "Tithes."

[22] "Diezmos, esto es de los frutos de la tierra y de los animales."

render to Caesar (or the State) what is Caesar's. The system was to go into force immediately, and the contributions were to be turned over to the nearest pastor.[23]

It was most unfortunate for his future activity that the Bishop failed to perceive the necessity of postponing the publication of his projects until from a personal visit to the greater part of the diocese he had ascertained how many of them could be accomplished. It is true, he had been stationed in northern California for two years, but seven years had elapsed since his departure. Meanwhile, the white population and their wealth had scarcely increased, whereas the missions, the chief support of Religion as well as of the civil and military departments, had been confiscated and their wealth dissipated. Hence the move to impose tithes at the very start for the purposes announced would seem to have been unwise. What rendered the act more injudicious was the fact, not unknown in California, that the General Government had guaranteed the Bishop a salary of $6000, and had transferred to him the Pious Fund Estates. Had he but waited till he had made the rounds of the missions and the three towns that promised anything, he would have had ample ground to appeal to the generosity of the people for the bare necessaries of life, for by that time he would have learned that the promises of the Mexican Government were not worth the paper upon which they were written; and thus he would have spared himself the pain of seeing all his plans impossible of execution. The Pope had urged the erection of a seminary. This, indeed, was the only institution really necessary under the circumstances and feasible on a small scale, and it is the only one of the projects which the Bishop accomplished in the end.

As already stated, Bishop Diego had appointed Don Pedro Ramírez[24] manager of the Pious Fund Estates with instruc-

[23] "Pastoral," February 4th, 1842. "Sta. Barb. Arch." It was countersigned by Antonio Jiménez del Récio as pro-secretario. Bishop's "Circular" to the missionaries, February 11th, 1842. "Libro de Patentes," Mission Santa Cruz.

[24] He was a member of Congress from Zacatecas. Bancroft, iv, 335.

RT. REV. FRANCISCO GARCÍA DIEGO Y MORENO,
O. F. M., FIRST BISHOP OF CALIFORNIA.

tions to remit the income to him in California. Ramírez assumed control on November 2nd, 1840. He found the property burdened with a debt of $28,234,[25] the balance of the $60,000 for which the Government, as said elsewhere, had mortgaged the Fund at two per cent. interest per month. He succeeded in canceling the entire indebtedness by January 25th, 1841. Ramírez also discovered ten drafts amounting to $6,272.50 which the Dominicans of Lower California had transmitted in favor of Enrique E. Virmond; eighteen drafts from the Franciscans of Upper California for $22,000 in favor of José Antonio Aguirre, and indorsed in favor of José M. Sáncho, merchant in the City of Mexico; and a draft for $3,000 in favor of Ignácio Cortina Chávez. He, moreover, furnished Bishop Diego with a small sum for travelling expenses, because the $6,000 which the Government had allowed for that purpose from the national treasury could not be collected. There was still a claim of $400,000 against the Pious Fund from an ancient lawsuit. Nevertheless, at the beginning of 1842 Ramírez thought the Pious Fund in condition to produce, for the use of the Bishop, a yearly revenue of $34,000,[26] one-half of which was available for Upper California. This would have relieved him of all difficulties. It was not to be.

At this stage, the evil genius of Mexico, General Santa Anna, again obtained control of the Government. Like all bogus statesmen in Latin and German countries, he sought to ease the public burdens, largely the consequence of his restless scheming, by confiscating property sacred to Religion. The Pious Fund Estates seemed the most accessible and promising. For the purpose of securing a pretext, Ramírez thinks,[27] the Minister of the Public Treasury on February 11th, 1842, asked Ramírez to supply $40,000 from the Fund for the relief of the national treasury. The conscientious ad-

[25] "28,233 pesos, 7 reales, 6 granos."

[26] "Fondo Piadoso," pp. 7-8.

[27] Ramírez gives as the basis for this surmise that the order for the confiscation of the Fund was dated three days before this request reached him. "Fondo Piadoso," p. 9.

ministrator replied that such a sum was not on hand, and that, furthermore, he had no right to dispose of the Pious Fund in that way. This was too much for the haughty and unscrupulous demagogue Santa Anna. On February 23rd, therefore, Ramírez was commanded to surrender the administration of the Pious Fund to General Gabriel Valencia. Thereupon, the following proclamation was published which, as the date shows, had indeed been in readiness before Ramírez had an opportunity to decline furnishing money from the Pious Fund in his charge:

"His Excellency, the Provisional President of the Republic, has been pleased to issue the following decree: Antonio López de Santa Anna, Division General, well-deserving of the country, and Provisional President of the Mexican Republic, to the inhabitants thereof. Know ye that, inasmuch as it is of general interest, and all the objects to which the Pious Fund was directed are truly national, and inasmuch as for the same reason it ought to be under the immediate care and administration of the Supreme Government, as it was before,[28] I have resolved to decree: Article I. That the sixth article of the decree of September 19th, 1836,[29] which deprived the Government of the administration of the Pious Fund of the Californias, and placed said Fund at the disposal of the Bishop of that new diocese, is hereby repealed. Art.

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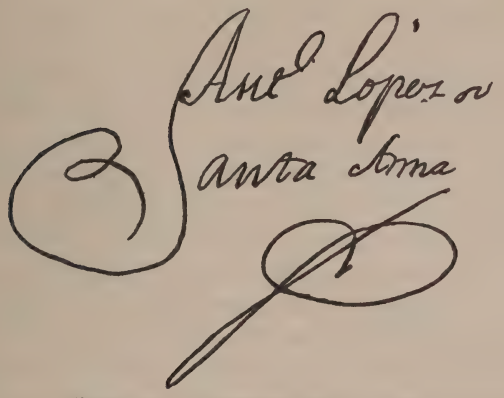
[28] not till in 1767 the Jesuits had been forced to surrender it. Santa Anna's claim is pure sophistry. The donors had not put their donations in charge of the King or State, but in the care of the Jesuits for purely religious purposes, as the will of the Marqués de Villapuente, one of the chief founders of the Fund, clearly sets forth. The intervention of State officials, indeed, is expressly excluded: "Que siempre y perpetuamente se continue el dominio y gobierno de dichas haciendas en la sagrada Compañia y sus prelados, sin que jueces algunos eclesiasticos ni seculares tengan la mas minima intervencion, y todo lo que produjere sea para el efecto y fines espresados de propagar nuestra santa fe Catolica." "Fondo Piadoso," p. 14. See also Note to page 5, "Fondo Piadoso." Nor was Santa Anna's view accepted by the Hague Tribunal. See vol. i, last chapter.

[29] See pp. 90 and 186-187, this volume.

2. That consequently the administration and investment of that property shall revert to the care of the Supreme National Government in the manner and terms which it may determine upon in order to attain the object which the donor



Signature of President Santa Anna.

proposed to himself for the civilization and conversion of the barbarians.[30] Therefore, I command that this be printed, published, circulated, and duly carried out. Palace of the National Government, Mexico, February 8th, 1842. Antonio López de Santa Anna. Crispiniano del Castillo, Minister of Justice and Public Instruction." [31]

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[30] "Art. 1. Se deroga el articulo 6 del decreto de 19 de Septiembre de 1836 en que se privó al gobierno de la administracion de Fondo Piadoso de Californias, y se puso á disposicion del Reverendo Obispo de esa nueva diocesis. Art. 2. En consecuencia, volverá á estar a cargo del supremo gobierno nacional la administracion é inversion de esos bienes en el modo y terminos que este disponga para llenar el objeto que se propuso el donante con la civilizacion y conversion de los barbaros." So an unscrupulous politician would be better qualified than conscientious ecclesiastics to dispense money donated for religious purposes! Santa Anna was hard up for excuses to cover his sacrilegious theft.

[31] Ramírez, "Cartas," February 11th, 21st, 24th, 28th, 1842, in "Siglo Diez y Nueve," Mexico, issue of March 2nd, 1842. "Sta. Barb. Arch." "Documentos Relativos al Piadoso Fondo de Mis-

"Of Valencia's brief administration we have few details," says Bancroft, "but he doubtless served the purpose for which he was appointed, and Santa Anna is supposed, as a salve to his conscience, to have spent a little of the money thus acquired in fitting out Micheltorena's valiant band of convicts, arguing that 'in order that California may be Catholic she must first exist,'—a *paralogismo miserable* for an *atentádo escandalosisimo,* as it was pronounced by a prominent Mexican author. Soon, however, another step was taken in the same direction of spoliation; for, on October 24th, Santa Anna, anxious that the 'beneficent and national objects proposed by the founder' should be accomplished, *con toda exactitud,* with a view 'to save the expenses of administration and others that might arise,' decreed [32] that all the property of the Fund should be incorporated into the national treasury; that all the estates should be sold for a capital sum represented by their products at six per cent.; that the said rate should be paid for the original objects of the Fund; and that the tobacco revenue should be pledged for this payment. This decree also called out protests from the Bishop's agent,[33] to

iones," Mexico, 1845, pp. 5-9; 17-21. Copy in "Sta. Barb. Arch." "Foreign Relations," Appendix II, 294. Ramírez, evidently, was not only an honest and efficient administrator, but a fearless attorney.

[32] "Art. 1. Las fincas rusticas y urbanas, los creditos activos y demas bienes pertenecientes al Fondo Piadoso de Californias, quedan incorporados al erario nacional. Art. 2. Se procederá por el ministerio de hacienda á la venta de las fincas y demas bienes pertenecientes al Fondo Piadoso de Californias, por el capital que representen al seis por ciento de sus productos anuales, y la hacienda publica reconocerá al redito del mismo seis por ciento el total producido de estas enagenaciones. Art. 3. La renta del tabaco queda hipotecada especialmente al pago de los reditos correspondientes al capital del referido Fondo de Californias, y la direccion del ramo entregará las cantidades necesarias para cumplir los objetos á que esta destinado el mismo Fondo, sin deduccion alguna por gastos de administracion, ni otro alguno. Por tanto, etc. Palacio del gobierno nacional en Mexico, á 24 de Octubre de 1842, Antonio López de Santa Anna." "Fondo Piadoso," no. 5, pp. 21-22; "Foreign Relations," 348-349.

[33] Pedro Ramírez to the Ministro de Justicia, November 4th; November 14th, 1842; January 10th, 1843. "Fondo Piadoso," pp. 22-29.

which no attention was paid; and, before the end of the year, the estates were sold—chiefly to the company that down to 1841 had formed the tobacco monopoly. The exact price is not given; but according to the claims of the Bishop's agent —Ramírez being succeeded by Juan Rodríguez de San Miguel —the promised revenues during the next few years must have been about $600,000. Besides this sum, it was claimed that in 1842 the treasury was indebted to the Fund to the amount of $1,075,182.25. Had this last measure been adopted in good faith by a responsible government, it would have been one of the wisest steps ever taken in connection with the subject; but down to 1845, and perhaps to the American conquest, the total amount of the pledged revenues actually paid was $1,183! In much later times, an international commission has in its wisdom decided, not only that Mexico must disgorge the plunder, but that the proceeds shall revert to the Catholic Church of California." [34]

In consequence of Santa Anna's confiscation decree, Bishop Diego was not only prevented from executing his comprehensive plans for the development of Religion and education in his diocese, but he found himself reduced to the necessity of procuring means for the bare subsistence of himself, attendants and a few seminarians. "He could obtain no part either of his salary or of the Pious Fund revenues which the Government had pledged itself to pay for the propagation of the gospel in California.[35] His only other resources were the voluntary contributions of his flock, and the collection of tithes." [36] The former amounted to very little; and the latter expedient was sure to encounter obstacles. Few had paid

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[34] Bancroft, iv, 336-337. For particulars on the Pious Fund and its vicissitudes, see last chapter, vol. i, this series.

[35] "The Government had, however, the assurance to call for a statement of the bienes de temporalidades de religiosos in California, since the estate of friars, save those devoted to charity, had been placed at the disposal of the treasury!" Bancroft, iv, 372, note 6.

[36] Bancroft, iv, 372.

tithes in past years,[37] many possessed nothing, and some, tainted with Voltairianism, would refuse.

The Bishop, however, resolved to make the experiment, and issued his Pastoral of February 4th, already quoted in substance. The instruction to pay the tithes to the nearest pastor seems to have resulted in failure. The Bishop, therefore, November 2nd, 1842, once more turned for relief to his agent in Mexico.[38] Under date of January 10th, 1843, Ramírez, accordingly, reminded the Minister of Justice that since September 19th, 1840, when the Bishop took the oath, the latter had received not so much as a dollar from the $6000 guaranteed him by the law of September 19th, 1836,[39] and promised by the Government to the Pope as well as to the nominee of the California diocese. Nor had he received anything from the Pious Fund to pay the stipends of the missionaries, defray the expenses of Divine Worship, or for the support of the neophytes. From this, Ramírez argued, the Government could infer what affliction must weigh down the Bishop, and what fortitude he must possess to suffer such hardships and not abandon the flock entrusted to his care.[40]

In California itself the Bishop received just as little consideration from the territorial authorities. Under Spanish rule, goods imported for the missions, as well as the effects of the missionaries, and church articles, entered duty free. The Bishop was not accorded such courtesies under Mexican or paisano rule, as a letter addressed to Santiago Argüello, prefect of the second district, demonstrates. "As soon," he writes, "as Your Honor's official note of the 11th instant, was presented, urging upon me the payment of $523.50, the amount, you assure me, of the dues on the tonnage of the brigantine *Rosalinda,* merely for having touched at the Port

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[37] They had been collected by royal officials for the king.

[38] It would seem from this that Bishop Diego, after nine months, had not yet heard of the confiscation of the Pious Fund, nor of Ramírez's discharge.

[39] See page 90, this volume.

[40] Ramírez, "Oficio," January 10th, 1843, in "Fondo Piadoso," 27-29.

of San Diego to land me there, I immediately paid said amount to José Canúto Boronda, commissioned by Your Honor to that effect, and he has given me the required receipt." [41] Thus about one-half of the sum which Ramírez had been able to supply to the Bishop from the Pious Fund had already been consumed for mere traveling expenses to his destination.

After trying a whole year to make both ends meet, the Bishop discovered that all resources were exhausted,[42] and that it would be necessary to adopt other measures. He finally determined to appoint three collectors general in order to secure the diezmos or dues from the people of the diocese. The three gentlemen named on January 8th, 1843, were José A. Aguirre of Santa Barbara for the southern district of Upper California; William E. Hartnell of Monterey for Central California; and Manuel Requena for Northern California. They were required to furnish bonds to the amount of $4000 each. As compensation they were authorized to retain three per cent. of all that was collected. For the actual work they might appoint trustworthy sub-collectors, who were to receive ten per cent. of all they obtained; but they were to observe moderation and avoid offense. The principal regulations for their conduct embraced seven articles. All diocesans, except the Indians of the Missions, were obliged to pay tithes from the products of the fields and orchards from the yearly increase of the live-stock, and from grapewine, brandy, and olive oil. In order to distinguish the collected animals, the cattle were to be marked with a distinctive brand (see next page), whilst the sheep were to have the ears slit.[43]

On January 20th, 1843, the Bishop issued a circular on the subject to the Catholics of the diocese. Reminding them of

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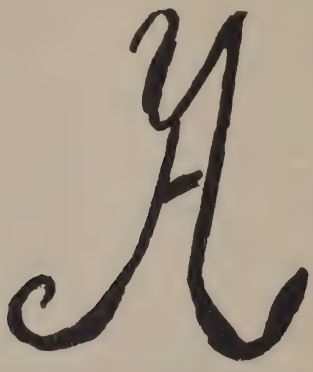
[41] Argüello to Bishop Diego, May 11th, 1842. "Escrituras Sueltas." Bishop Diego to Argüello, May 16th, 1842. "Libro Borrador."

[42] "mi naciente Iglesia, exhausta actualmente de los recursos necesarios."

[43] Bishop's "Instruccion," July 2nd, 1844. "Archb. Arch., no. 2281; "Libro Borrador."

their obligation as explained in his Pastoral of February 4th, 1842, he informed the people that he had found it necessary to appoint collectors. On presenting a written authority, the bearer was to be regarded as the agent of the Bishop and to



The Bishop's Cattle Brand.

receive the diézmos. Another circular of the same import went out to Fathers in charge of missions and parishes.[44]

As might be expected, this subject afforded the inflated Vallejo a welcome opportunity to secure more notoriety for "independence of thought, contempt for priestly domination, and fearless resistance to episcopal arrogance." He flatly refused to pay tithes or to contribute anything towards realizing the Bishop's projects. Fr. Vásquez del Mercádo gently represented that, as a member of the Church, Vallejo ought to show himself grateful for the spiritual benefits received; that, being a leader in society, he ought by his example to guide other men rather than to mislead them and thus cause them irreparable spiritual damage; that membership in the Church entailed the obligation of contributing for her needs; and that he could not exempt himself from doing his share.[45]

At this the pompous "general" pretended to feel highly insulted. He demanded to know by what right Fr. Mercádo

[44] "Libro Borrador"; "Libro de Patentes," Santa Barbara.

[45] Fr. Mercádo to Vallejo, March 18th, 1843. Vallejo, "Documentos," xi, 347-348.

addressed him on that subject, although the friar was the pastor of the district in which Vallejo lived, and had been appointed by the Bishop to collect the contributions. Not satisfied with this, Don Mariano, after the fashion of chronic malcontents, let out a volley of angry words which he intended should justify his refusal and "manly stand." He also declared that for the past five years he alone had maintained the church at Sonoma which possessed no revenues to provide candles or other necessary church goods;[46] but that he was, nevertheless, willing to attend to the support of two or three priests among the Indians around Santa Rosa.[47] In a similarly offensive strain this refined and enlightened Don Mariano claimed to have written in reply to the Bishop's kind exhortation.[48]

Vallejo also boasted: "My reply to the Bishop, and some slights which influential persons of Monterey and San José offered to his Lordship, had such an effect on his mind that he resolved to live isolated in his episcopal residence from which he would emerge on rare occasions only. He likewise but seldom admitted seculars to his presence. Of course, the retirement of the Bishop gave rise to various commentaries

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[46] Vallejo boasts of his liberality towards the church at Sonoma, which he through confiscation had helped to impoverish! It was scarcely worth the while. Since August 1835, no priest lived there. (For the reasons see vol. iii, 581-589.) Holy Mass was celebrated but occasionally. So the expenses for candles, altar wine, incense, etc., were so small that a man, who carried himself like a petty king, should have regarded it beneath his dignity to mention them.

[47] After helping to drive the devoted missionaries from their homes, Vallejo has the effrontery to demand that they should raise other missions, and, in the end, undergo the same process of eviction! Nor was his offer sincere. He knew there were not priests enough to attend to the existing missions and parishes, Sonoma for instance; yet he would contribute nothing towards educating candidates for the priesthood. For the uselessness of starting missions under the circumstances, even if there had been any priests available, see pp. 119-120, this volume.

[48] Vallejo to Fr. Mercádo, March 19th, 1843. Vallejo, "Documentos" xi, 348-350; Vallejo, "Historia," Mss. iv, 70-77. Bancroft Collection.

among the townspeople, who knew not to what they should attribute a conduct so little in keeping with the obligations of the chief of the Catholic Religion, who, at all hours of the day and of the night, ought to be disposed to admit to his presence the faithful who desire to profit by his counsels."[49] Later, the modest Vallejo railed about the arrogance of the Bishop; but enough of this. Vallejo here, as on other occasions, proved himself the typical, ignorant, "liberal" Catholic malcontent, who will do nothing for the support of Religion and its ministers, yet demands that they at all times stand "Attention" to his insolent calls. Less acquaintance with vile, infidel productions, and less implicit faith in his freethinking secretary, Victor Prudon, but wider knowledge of Holy Scripture and the doctrines of the Church in which he claimed membership, would have taken the overweening conceit out of Don Mariano, and would have benefited him in every way.[50]

[49] "Gefe de la Religion Catolica, que a todas horas del dia y de la noche debe estar dispuesto á admitir á su presencia los fieles que deseen aprovecharse de sus consejos." Vallejo, "Historia," Ms. iv, 78-79.

[50] See Appendix C.

## CHAPTER IV.

Bishop García Diego Embarrassed.—Appeals to Governor Micheltorena.—The Governor's Noble Reply.—The Bishop Appeals to the Mexican Government.—Reminds of Promises Made to the Holy See.—The Mexican President's Command.—Result.—Trigueros's Reply to Agent Rodríguez.—Last Decree on the Pious Fund.—Tithe Collectors Resign.—Scanty Revenues.—Building Projects Fail.—Holy Orders Conferred at Santa Barbara.—The Bishop Starts Out to Visit the Diocese to the South.—Situation in Lower California.—Patron Saints for the Diocese Named.—Pastoral on the Subject.—How Carried out at Santa Cruz.—The Bishop Obtains Grants of Land for a Seminary.—The Seminary Formally Established at Santa Inés.—Visit to the North.—Confirmations.—Reception at Monterey.—Bishop Diego Endeavors to Secure the Property of the Church—Letter to Micheltorena.—Vallejo's District Avoided.—Return to Santa Barbara.

OWING to the small number of Catholic colonists, and the poverty of a large proportion of them, the Bishop's income from the tithes, at best, could not have enabled him to accomplish his projects; but, now the refusal of not a few of the wealthy Californians to meet the obligations binding in honor and conscience caused real embarrassment. In his distress, Bishop Diego appealed to Manuel Micheltorena, the new governor.[1] However, the law on the subject had lost its force, so that payment could not be exacted with the aid of the government officials, as formerly when royalty had demanded the tithes for itself. Nevertheless, in his reply to the Bishop, the new governor read the Vallejos and other recalcitrant paisano Church members a wholesome lesson. "This government," he wrote, "which has always gloried in being Catholic, Apostolic, Roman,[2] and which takes pride in pro-

[1] See next chapter.

[2] Unfortunately, only in name, as a rule, from 1822 to 1858; since then the Mexican Government has been absolutely hostile, but never so much as now under the infidels Carranza and Villa. What the government was in California since the arrival of

testing before the face of the universe that it will continue to be so,[3] has learned with the greatest displeasure that sordid avarice pretends to cloak its ambitious views with reference to the payment of tithes under the pretext of being liable to have to pay them double—to holy Mother Church and to the

The Governor's Official Stamp.

civil authority. It is, therefore, a sacred duty to exercise the first obligation of the departmental executive by assuring all citizens and Your Most Illustrious Lordship that this government, confiding entirely and in every way in Divine Providence, will need no more than its own revenues and resources for its necessities;[4] and that thus, while it will not lend its civil authority, because that is prohibited, and will not collect, nor meddle with the payment of tithes prescribed by Religion and the individual conscience, yet it (the government) will feel the most grateful satisfaction if the citizens in the de-

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Echeandía this and the preceding volumes demonstrate. Save under Victoria and Micheltorena, the California government was anything but Catholic. Hence the despoliation of the missions, the demoralization and dispersion of the neophytes.

[3] "Este gobierno, que se had gloriado siempre de ser Catolico, Apostólico, Romano, y que se evanece de protestar ante la faz del universo continuará siendolo."

[4] that is to say, the governor, his subordinates and the military would no more oppress the missions with extraordinary demands, but would subsist on the ordinary taxes and custom duties. What a pity the governors from 1812 down did not follow the same determination! Indians and missionaries, then, would not have had to slave to support an indolent soldiery and inconsiderate officials for nearly thirty years.

partment whom it concerns will in this respect fulfill the first of their obligations towards Divine Worship and its ministers.[5] While I have the honor of addressing to Your Lordship this respectful note, I am happy to let you know that I to-day communicate this instruction to the three prefects, and assure you of my constant affection, and my high and merited consideration for your sacred character and esteemed person."[6]

It would seem that some member of the Mexican Government had advised introducing a system of fees for the clergy as a means of support; for under date of September 9th, 1843, the Bishop wrote to the Minister of Foreign Relations that the colonies in California were too small, and a fee system could therefore not furnish the necessary means for supporting the clergy and Divine Worship. At all events, the Bishop concluded: "I am firmly resolved to establish no tariff whatever in this diocese. Until conditions improve, the priests shall continue, as heretofore, serving all these faithful gratis, without any stipend whatever."[7]

The confident Bishop hoped that the Mexican Government, having adopted the law of September 19th, 1836, and for other guarantees, which assured the necessary support, would redeem its promises. He accordingly made one more appeal. "May it please Your Excellency," he wrote to the Minister of Justice and Public Instruction, on October 27th, 1843, "to bear in mind that in describing my distressing circumstances I am not contemplating my convenience. A religious by profession, and habituated from my youth to a frugal life of privations, the hardships I actually suffer do not appear new to me. It

[5] "tendrá la mas grata de las satisfacciones si los ciudadanos, á quienes toque en el departamento, llenan en esta parte la primera de sus obligaciones hácia el Culto Divino y sus ministros."

[6] Micheltorena to Bishop Diego, March 1st, 1843. "Cal. Arch.," Dept. St. Pap., Angeles xii, 676-678.

[7] "Estoy firmamente resuelto á no establecer en esta mi Diocesis arancel ninguno, y hasta mejores circumstancias continuen los sacerdotes, como hasta hoy, sirviendo de gratis sin estipendio alguno á todos estos fieles." Bishop Diego to the Minister of For. Rel., September 9th, 1843. "Libro Borrador."

is not for the sake of avoiding these that I raise my feeble voice to the Supreme Government; but solely in order to comply with my sacred duty which bids me to prevent the ruin of my diocese and the dishonor of the Supreme Government of the nation.

"This new diocese of the Californias embraces a vast and sparsely settled country, without clergy[8] and without revenues. It is wanting in everything. It is true, for a period, savage Indians were here civilized, Divine Worship was maintained in more than forty churches, and their ministers were supplied with whatever was needed through the mission system and the Pious Fund; but a fatal misfortune destroyed the former, and the latter has ceased through the decrees passed on February 8th, and October 24th, 1842. In the meantime, many churches have had to be closed, in others, Divine Worship is scantily maintained, and the missionaries are decreasing for want of substitutes so that now they have been reduced to twenty, including the sick and aged whose resources are cut off. Instead of being able to support and civilize savages, they are obliged to beg their subsistence, bewail the dispersion of the neophytes, and the annihilation of the settlements they founded. Who will check this certain ruin? After God, only the Supreme Magistrate of the Republic by commanding that all the proceeds from the Pious Fund Estates be used for the object for which the Fund was established."

The Bishop then, at some length, reminds the Minister of Justice that the Holy See acceded to the request and erected the diocese of California in consideration of the promises made by the Government. As it was, he found himself without even an ordinary habitation in which to live, without the means even of making a visitation of his extensive diocese, though he had twice made the attempt, but had to desist for want of funds to defray the expenses. In fact, he was without any resources whatsoever. It was much to be feared that, in the event of his death, the Holy See would decline to appoint a successor, since there were no means of subsistence.

[8] that is to say, without secular clergy.

The revenues from tithes in all Lower California would not reach the sum of $400. In Upper California the majority of the inhabitants were exempt for being neophytes. The rest, despite all efforts, paid not what they owed, some, because the civil authority would not coerce them; others, because of the anti-religious philosophical ideas which had seized them. In short, the income from the *diézmos* were insignificant in comparison with the trouble of collecting them, etc." [9]

In consequence of the Bishop's pathetic appeal the Ministro de Hacienda issued the following order to the collector of customs at Guaymas: "His Excellency, the acting President,[10] has been pleased to dispose that your maritime customhouse promptly and without fail pay to the worthy and venerable Bishop of the Californias the assignment of $6000 annually of which article 4 of the decree of September 19th, 1836, speaks, and all that according to it is due him, in view of which His Excellency will look with the greatest displeasure upon any fault which is committed in this matter, for he considers and esteems, as they deserve, the services of this most worthy pastor whom the Supreme Government not only desires to supply with what is becoming him, but to grant him besides whatever support and protection he needs, for the benefit of the Church as well as of the State. I tell you this by supreme order for the most punctual and exact execution. . . . God and Liberty, Mexico, January 30th, 1844. *Trigueros.*" [11]

One should think that such an emphatic command would have had effect; but nothing came of it. Juan Rodríguez de San Miguel, who had succeeded Ramírez as agent of the Bishop, nearly two months later again approached the Government. In reply, he was told by Minister Trigueros that the President ad interim had determined that the administrators of the tobacco revenues of Zacatecas should punctually pay to the Bishop of the Californias $500 a month on account

[9] Bishop Diego to the Minister of Justice, October 27th. 1843. "Fondo Piadoso," no. 13, pp. 43-47; "Libro Borrador."

[10] Valentin Canalizo.

[11] "Fondo Piadoso," no. 14, p. 47.

of the allotment of $6000 decreed September 19th, 1836, from the revenues of the Pious Fund incorporated into the public treasury by the decree of October 24th, 1842; and that the order of January 30th, last, was annulled.[12] Next, we read of an order for $8000 on account of the income belonging to the Pious Fund of California.[13] Not a dollar, however, was paid, as Rodríguez declared to the President.[14]

The last legislation in Mexico with reference to the Pious Fund appears to have been a decree of April 3rd, 1845, which reads as follows: "José Joaquín de Herrera, Division General and President ad interim of the Mexican Republic, to the inhabitants thereof: Know ye that the General Congress has decreed and the Executive sanctioned the following: 'The credits and other properties of the Pious Fund of the Californias, which are now unsold, shall be immediately returned to the Rev. Bishop of that diocese and his successors for the purpose mentioned in article 6 of the law of September 19th, 1836, without prejudice to what Congress may resolve in regard to the property that has been alienated."[15] This decree, like all the others, remained ineffective.

Nor did the Bishop receive much encouragement at home. The proceeds from the tithes were so small, and the collectors-general encountered such obstacles, that they resigned. The disagreeable task then again fell to the lot of the priests in charge of white settlers. These ecclesiastical collectors fared scarcely better than the laymen, as we have seen in the case

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[12] Minister Trigueros to Rodríguez, April 22nd, 1844. "Fondo Piadoso," no. 15, p. 48.

[13] Minister Trigueros to the Minister of the General Treasury, April 23rd, 1844. "Fondo Piadoso," no. 16, pp. 48-49; "Foreign Relations," 210.

[14] Rodríguez, "Representacion," September 18th, 1844. "Fondo Piadoso," no. 17, pp. 49-50.

[15] "Los creditos y los demas bienes del fondo piadoso de Californias, que existan invendidos, se devolverán inmediatamente al Reverendo Obispo de aquella mitra y sus sucesores, para los objetos de que habla el art. 6 de ley de 19 Setiembre de 1836, sin perjuicio de lo que el Congreso resuelva acerca de los bienes que estan enajenados." "Foreign Relations," Appendix ii, 210.

of Fr. Mercado in the district of Mariano Vallejo. Little cash was received. Most of the contributions consisted of live-stock, the keeping of which entailed additional expense; and when such stock could be sold the returns often were far below the market value. For instance, in 1844 the Bishop had to sell 843 head of cattle for $1264. On another occasion, in the same year, his agent could obtain but $472 for 305 head.[16]

Furthermore, all the Bishop's grand building projects came to naught, although soon after his arrival at Santa Barbara, relying upon the good will of the citizens so enthusiastically expressed at his reception, and with firm hopes in the Mexican Government, he ventured on the realization of some of his plans. He started a building fund, and on May 5th, 1842, appointed José Antonio Aguirre treasurer.[17] If we may believe Robinson, "Large piles of stones were heaped up in several places for laying the foundations of above-named edifices; but, as the Mexican Government has seen proper to appropriate this fund [18] to less pious purposes, there they will undoubtedly remain for some years as monuments of the frailty of human speculations." [19]

Turning to a more cheerful phase of the Bishop's administration, we find that, for the first time in the history of California, the holy Oils were blessed in the mission church of Santa Barbara on Holy Thursday, March 24th, 1842.[20] Likewise, for the first time in the history of both Californias, Bishop Diego at the same place, conferred the higher Orders on three seminarians in June, 1842. On Sunday, 26th, Antonio Jiménez del Récio was ordained subdeacon, and Miguel Gómez received the deaconship. Three days later, June 29th, José Maria Rosáles was made subdeacon, Antonio Jiménez was ordained deacon, and Miguel Gómez was elevated to the priesthood. The Rev. M. Gómez, therefore, enjoys the dis-

[16] "Libro Borrador"; "Bishop's Account Book," "Sta. Barb. Arch."

[17] "Libro Borrador."

[18] Pious Fund of the Californias.

[19] "Life in California," p. 204.

[20] By inference. Such was and is the law of the Church.

tinction of having been the first priest ordained in the Californias.[21] In November of the same year, he was given charge of the ex-mission of San Luis Obispo.[22] On Sunday, October 1st, 1843, at the same mission church of Santa Barbara, which was his pro-cathedral, Bishop Diego conferred the tonsure and minor Orders on José de los Santos Ávila, subdeaconship on Dorotéo Ambrís, and deaconship on José M. Rosáles. On the 8th of the same month, the Bishop raised Antonio Jiménez and José M. Rosáles to the priesthood. All these young men had made their higher studies under the eyes of the Bishop and lived with him at Mission Santa Barbara.[23] On November 9th, 1843, the Rev. J. M. Rosáles was placed in charge of the ex-mission of San Buenaventura with a salary of $600; and on December 5th, 1843, the Rev. Antonio Jiménez, as assistant to Fr. Esténaga of San Gabriel, was granted the usual faculties within the jurisdiction of the ex-missions of San Gabriel and San Juan Capistrano.[24]

As early as August 23rd, 1842, the Bishop issued a circular announcing a pastoral visit to the northern part of his diocese. For the period of his absence he bestowed special faculties upon Fr. Comisário-Prefecto Narcisco Durán.[25] The Bishop, with his secretary, the Rev. Fr. González Rúbio, started out from Santa Barbara on September 4th or 5th, for we find him giving confirmation at Santa Inés from the 6th to the 15th, on seven different days, to one hundred and forty-four persons.[26] Meanwhile, September 10th, he notified the missionaries to the north that to his sorrow he could not continue the journey, one reason being the heavy rains which had made the roads difficult to travel.[27]

During the months of March and April, 1843, the Bishop,

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[21] "Libro de Gobierno."

[22] Mission Records of San Luis Obispo.

[23] "Libro de Gobierno."

[24] "Libro de Gobierno"; "Libro Borrador."

[25] "Libro Borrador."

[26] Registers of Mission Santa Inés.

[27] "Libro Borrador."

accompanied by his secretary, Fr. González Rúbio, visited the places south of Santa Barbara. He confirmed a great many persons at San Gabriel on March 2nd, and presumably at Los Angeles, besides examining the mission registers. His *Auto de Visíta* at San Gabriel is dated March 29th, and at San Fernando April 1st. At Mission San Buenaventura he confirmed, on April 6th, 7th, 8th, and 9th, one hundred and eighty-two persons, whereupon he returned to Santa Barbara.[28]

As it was not possible for the Bishop to visit the southern part of his diocese, which embraced Lower California, he appointed Fr. Gabriel González, the presidente of the Dominicans on the peninsula, his vicar forane. Fr. Gabriel had held the same position under the Bishop of Sonora. In the absence or death of Fr. Gabriel, whosoever held the office of presidente should also be vicar forane. For such an emergency the Bishop had, on December 4th, 1842, directed Fr. Ignácio Ramírez de Arellano, O. P., to act as vicar forane. Later, September 15th, 1844, Bishop Diego authorized Fathers Gabriel González and Ignácio Ramírez to exercise the faculty of giving Confirmation, which they enjoyed in virtue of special grants from the Holy See to commissary-prefects of missions.[29]

As yet the new diocese had no patron saint, Santa Barbara mission church being only the temporary headquarters of the Bishop. He, therefore, resolved to supply the deficiency without awaiting the erection of a cathedral, for which there were no prospects under the circumstances. In a lengthy Pastoral, dated January 4th, 1843, and beginning with the words: "Rejoice, for ye are now under the powerful protection, etc.," his Lordship announced to the clergy

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[28] Records of Missions San Gabriel, San Fernando, San Buenaventura.

[29] "Libro de Gobierno"; "Libro Borrador." Fr. Félix Caballero, the late vicar forane, who had been a missionary on the peninsula for many years, (see volume i,) had died in July 1840. Jiménez, Minister of the Interior, to Bishop Diego, Mejico, July 15th, 1841. "Escrituras Sueltas."

and the people that he designated as Principal Patroness of the diocese our Lady of Refuge, and as Secondary Patrons St. Francis of Assisi and St. Francis de Sales.[30] The Pastoral, a splendid panegyric of the Blessed Virgin Mary, which was to be read from every pulpit on the first Sunday after its reception, moreover directed that on a given day the solemn vowing of allegiance should take place in the church. Due notice should be given in order that all might assemble for the solemn function. On the afternoon of the appointed day, the bells were to ring at three different times. The image or statue of our Lady of Refuge should be borne to the main altar of the elaborately decorated church. On either side of the image of our Lady should be placed the statues, if there be any, respectively of St. Francis of Assisi and St. Francis de Sales.

"On the following day, in the morning, after the bells have three times called the faithful to church, a High Mass should be sung in honor of our Lady of Refuge, whereupon the celebrant should remove his chasuble and ascend the pulpit. After a short exhortation in explanation of the ceremony, the oath of allegiance to our Lady should be taken in the following manner: The priest will in a loud voice ask: 'Do you swear to God, our Lord, that you will from now on and forever honor the Most Holy Virgin Mary under the title of Refuge of Sinners?' All will answer, 'We do swear.' The priest then will ask, 'Do you likewise swear to honor as Co-Patrons the Seraphic Father St. Francis of Assisi and the Great St. Francis de Sales, Bishop of Geneva?' All will again answer, 'We do swear.' The ceremony will then terminate with the singing of the Te Deum before the Blessed Sacrament, which we permit to be exposed for that occasion. We also grant an indulgence of forty days for each one of these religious acts." [31]

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[30] "Maria Santisima del Refúgio por Patrona Principal; por Patronos menos Principales, San Francisco de Asís y San Francisco de Sales."

[31] Bishop Diego's "Pastoral," January 4th, 1843. "Libro de Patentes," Mission Santa Cruz. See Appendix D, "Nuestra Señora de la Luz."

How the command of the Bishop was obeyed in the various churches may be gathered from the report of Fr. Antonio Reál of Santa Cruz. "After the people had been informed and invited a month previous," he writes, "the bells were rung at different times after the Vespers of April 15th, 1843. In the church, which had been adorned as well as possible, to the right and left of the Tabernacle were placed the images respectively of our Lady of Refuge and of our Father St. Francis of Assisi, the only ones that are here of those prescribed. Next day, after the bells had been rung repeatedly, High Mass was offered up before the exposed Blessed Sacrament. At the Gospel a brief exhortation was made, and then the oath of allegiance followed. At the conclusion of the holy Sacrifice, the Te Deum was sung, and this closed the ceremony prescribed." [32] At Mission San Antonio the celebration took place on March 26th, accompanied by the salutes of cannon. In the evening rockets were fired whilst the church and other buildings were illuminated.[33]

During all this time, the Bishop never abandoned the cherished plan of erecting a seminary away from the unsuitable quarters at Mission Santa Barbara, where he with the students and professors regarded themselves as mere guests. Early in 1844, therefore, he instructed Fathers J. J. Jimeno, Juan Moréno, and Francisco Sánchez to petition the governor for a grant of land, within the district of Mission Santa Inés, for the purpose of establishing and maintaining there a seminary. Governor Micheltorena readily acceded to the request, and, on March 16th, allotted six leagues of land for the support of the institution.[34] Later, September 26th, 1844,

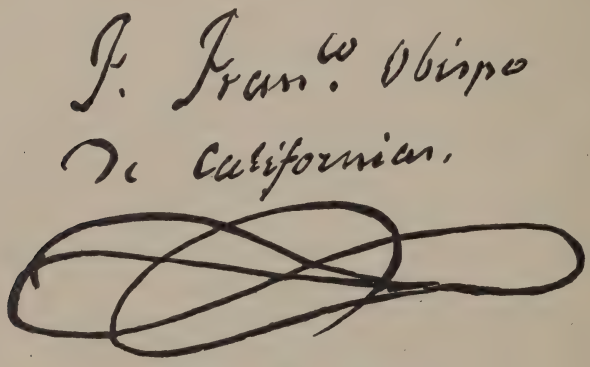
[32] "Libro de Patentes," Mission Santa Cruz.

[33] "Libro de Patentes," Mission San Antonio. To the infidel above ceremony would appear childish. We should call it childlike. Such it is to the Christian, who feels and knows what position the Mother of the Savior and His Saints must hold with the Father of all. Swearing allegiance to the heroes and heroines of God, is certainly as reasonable as swearing allegiance to kings, queens, country, flag, friends, school, university, or society, etc.

[34] The grant embraced the four cañadas Sotonocomú, Alisguey, Calabaza, and Aguichumú.

the governor granted two leagues more, so that the seminary possessed 35,499 acres of land. This estate subsequently became known as "La Cañada de los Pinos," or "College Rancho." In addition, Micheltorena promised an annual contribution of $500 cash for the benefit of poor students. Inasmuch as the opportunities for acquiring even a primary education in the territory were scant, the Bishop resolved to open also a primary school for boys in connection with the seminary. Though, as the Bishop wrote to the governor acknowledging the generous grant and donation, he hoped to start a fund with donations which he would ask the people to contribute, yet wealthy parents would be expected to pay $150 a year for the education of a boy.[35]

At last, the happy day for the Bishop arrived. At seven o'clock in the morning of Saturday, May 4th, 1844, his Lord-



Bishop Diego's Signature.

ship celebrated a Pontifical High Mass in the mission church of Santa Inés in honor of Our Lady of Refuge, the Patroness of the diocese, and delivered an appropriate address. Thereupon, the constitutions compiled by the Bishop himself for the government of the institution were read, and the first

[35] Micheltorena to said Fathers and the Bishop, March 16th, 1844. "Cal. Arch.," Dep. Rec. xiii, 134-135; "Escrituras Sueltas"; Bancroft, iv, 425-426; Gleeson, ii, 173; FF. Jimeno, Sánchez and Moreno to Micheltorena, March 27th; Bishop Diego to Micheltorena, March 27th, 1844. "Archb. Arch.," nos. 2274, 2276; Land Case 609.

ecclesiastical seminary in California declared established under the patronage of Our Lady of Guadalupe. The record of the proceedings was signed by the Bishop, Rt. Rev. Francisco García Diego y Moréno, Fr. González Rúbio, his secretary, Fr. José Joaquín Jimeno, rector of the new institution, Fr. Francisco Sánchez, vice-rector and professor, Fr. Juan Moreno, professor, Fr. Antonio Jimeno of Santa Barbara, Rev. José Miguel Gómez of San Luis Obispo, the subdeacon Dorotéo Ambrís, and the seminarians Gervásio Valdés, José de los Santos Ávila, Alejo Salmon, Agapíto Cabréra,[36] Ramón Gonzalez, and Diego Villa.[37]

Next day, May 5th, the Bishop, at Santa Inés, confirmed twenty-seven persons, and then with Fr. Rúbio started out to make the canonical visitation of the places in the north, which he had last seen in 1835. At Purisima Concepcion, on May 7th, he administered Confirmation to twenty-two candidates.[38] His journey from there was a tedious one, compared with the triumphal march it would have been fifteen years earlier, when the missions were in their glory. We have no details of his entertainment at different places along the route,[39] save that he bestowed the Sacrament of Confirmation and along with his secretary signed the various mission registers. May 13th, his Lordship stopped at San Luis Obispo, but postponed official acts until he returned from the north. On May 19th, however, we find him signing the mission books and confirming at Mission San Antonio.[40]

At Monterey the Bishop's reception by the governor and

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[36] He later returned to Mexico and joined the Franciscan Order at the College of Guadalupe. In 1905, we found him in charge of said College. He was then eighty years of age, but, owing to the anti-religious "liberal" laws, the old man wore the cassock of a secular priest and lived in a private house.

[37] Bishop Diego to the governor, May 4th, 1844. "Libro Borrador"; Mission Register of Santa Inés; Savage, "Documentos," ii, 37-38. Bancroft Collection.

[38] Registers of Missions Santa Inés and Purisima.

[39] Bancroft, iv, 426-427.

[40] Mission Records of San Antonio and San Luis Obispo.

citizens is said to have been hardly less enthusiastic than at Santa Barbara.[41] The town council, on May 14th, had held a special session in order to take action on the invitation of Fr. José Suárez del Reál to co-operate with him for the purpose of receiving the head of the diocese in a becoming manner. It was resolved to pay the expenses, and to invite the inhabitants to illuminate their houses for a period of three days after the arrival of the distinguished visitor. The Bishop arrived from San Antonio just in time to celebrate the feast of Pentecost, May 26th, and to add splendor to the solemnities of Corpus Christi, June 6th. Meanwhile, his Lordship on various days confirmed two hundred and ninety-four persons at the parish church of the town.

In the meantime Bishop Diego wisely endeavored to secure the property, which according to Spanish laws belonged to the Church, against future attempts of insatiable greed. He accordingly wrote to Governor Micheltorena: "Though in November 1840 I obtained from the Supreme Government orders placing the buildings and orchards of Alta California, which the Fathers had planted and erected at the missions for their habitation and recreation, nevertheless, owing to obstacles which have been difficult to remove, I have thus far been unable to enjoy the benefit of this Supreme Order in its fullness. It is true that Your Excellency, even in some missions because of their ruinous state, or because they were declared pueblos, and as such are not comprehended in your decree of restoration to the missionaries, has had the goodness to put the dwellings and orchards at the service of the Fathers. This arrangement, Your Excellency, has been to me an especial object of gratitude; but, inasmuch as this just measure has not taken effect in all the missions, nor have said holdings been adjudged as property to all the churches of these establishments, I behold with grief that some of them are decaying, and repairs will be very difficult; and that in others the Fathers must feel annoyed owing to the fact that they must tolerate in the buildings of the missions such strangers as are not agreeable to them. . . .

[41] Bancroft, iv, 427.

"Your Excellency knows very well that all these churches yield no income, and that I lack the funds to endow them. Hence I hope that Your Excellency will have the goodness to co-operate with me towards the grand object of maintaining, as far as possible, Divine Worship by declaring in a decree that the buildings used as dwellings by the Fathers, in the twenty-one missions actually existing in this department, are entirely the property of the churches, and that, besides, to them is adjudged absolute and perpetual dominion over the orchards and vineyards (all of them where there are several), in order that the Missionary Fathers, who are there to-day or may be there in future, may use them and convert the products to the support of Divine Worship and the support of the same Fathers; and that said possessions may at all times be respected as sacred, as true ecclesiastical property,[42] both in respect of the object for which they were destined, and of the true ownership which in them these my churches ought to have, as soon as Your Excellency may order a title of proprietorship in the prescribed legal form extending to each in particular." [43]

Micheltorena's reply to the Bishop's petition is not extant; but, in the case of two missions not included in the twelve restored to the Fathers and which were ruined and abandoned, according to Fr. Durán's report, the governor made formal grants to the Church of lands for the support of Divine Worship; and these were accepted by Bishop Diego. To San Luis Obispo, on the same date that it was transformed into a pueblo, July 16th, 1844, were given a league of land at La Laguna, besides two gardens near the curate's house,[44]

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[42] "Que dichas posesiones en todo tiempo sean respetadas como una cosa sagrada, como unos verdaderos bienes eclesiasticos."

[43] Bishop Diego to Micheltorena, June 8th, 1844. "Archb. Arch.," no. 2280; "Libro Borrador."

[44] "Micheltorena concedió á la iglesia de San Luis Obispo el parage mencionado, La Laguna, su extension un sitio de ganado mayor. El titulo se estendió en Monterey Julio 16 de 1844." Bishop Diego to Pico, September 5th, 1845. "Cal. Arch.," Dep. St. Pap. vi, 496-497; Pico, "Documentos," ii, 23-24; Bancroft, iv, 424.

while to San Miguel, on the same date, was granted the vineyard known as La Mayor.[45]

From June 15th to 17th, his Lordship administered Confirmation to one hundred and six men, women, and children at Mission Santa Cruz.[46] His *Auto de Visita* is found affixed to the mission registers of San Juan Bautista on June 21st, but there is no record of the Confirmations. Fr. Antonio Ánzar, the presidente of the Zacatecan friars, was in charge of this mission. He had arrived here in May 1833.[47] The Bishop now proceeded to Santa Clara, where he had been stationed as missionary from February 1833 to November 1835. At the mission church he confirmed, from June 30th to July 16th, one hundred and seventy persons, mostly Indians.[48]

From Santa Clara the Bishop and his secretary, Fr. Rúbio, went to Mission San José. This had been the latter's scene of activity from April 1833 to March 1842. On July 11th and 12th, one hundred and twenty men, women and children were confirmed here. On his way back to Mission Santa Clara, the Bishop visited the church in the town of San José and administered Confirmation to one hundred and eighty people.[49] From his beloved Santa Clara his Lordship and his secretary made their way to Mission Dolores, or San Francisco. The old mission, as well as the presídio and the town of Yerba Buena,[50] which in 1835 had been founded by order

[45] "He tenido á bien, en uso de las facultades que me son conferidas, conceder para la Iglesia de dicha Mision de San Miguel, la Viña que nombraban La Mayor. Monterey, Julio 16 de 1844. Manuel Micheltorena. Manuel Jimeno, Secretario." "Escrituras Sueltas"; Pico, "Documentos," ii, 19.

[46] "Monterey Archives," v, 697-734; Vicente Gómez, "Lo Que Sabe," 365-373, in Bancroft Collection; "Libro de Confirmaciones," Monterey.

[47] Registers of Santa Cruz and San Juan Bautista.

[48] Santa Clara Mission Records.

[49] Records of Missions Santa Clara and San José.

[50] "Good Herb," taken from a small medicinal plant growing in the neighborhood. On January 30th, 1847, the name was changed to San Francisco by the first American alcalde of the settlement,

of Governor Figueroa a league to the east of the mission, had been without a resident priest since 1839. The mission records only show the Bishop's *Auto de Visíta,* dated July 16th, 1844.[51] The two ex-missions of San Rafael and San Francisco Solano were not visited. The haughty Mariano Vallejo dominated that region, which also had no resident priests. It may be that his Lordship wanted to avoid subjecting himself to the arrogance and insults of the conceited "general." At all events, it was wise to ignore the pompous enemy of the friars, since he continually boasted of his superior knowledge and independence in Church matters for having dabbled in the works of the malodorous Voltaire and Rousseau.

From San Francisco, the Bishop traveled straight to San Luis Obispo by way of Santa Clara. He doubtless entered the church of San Miguel, but there is no record of any function or official act. The records of San Miguel, on the contrary, were on July 28th signed at San Luis Obispo where the visiting priest, Rev. Miguel Gómez, resided. There, on the same Sunday, July 28th, 1844, the Bishop confirmed eighty persons. After his arrival at Santa Inés, he, on August 4th, confirmed five candidates, and then returned to Santa Barbara. Here, on August 10th, his Lordship concluded the canonical visitations by affixing his *Auto de Visíta* to the Mission books.[52] We must leave him now in order to resume the general narrative.

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Lieutenant Washington A. Bartlett of the frigate "Portsmouth," against the protest of Mariano Vallejo and others who wanted this name for a settlement on the Straits of Carquínez, which in consequence was called Benícia.

[51] San Francisco Mission Registers.

[52] Registers of San Luis Obispo, Santa Inés, and Santa Barbara.

## CHAPTER V.

Alvarado and Vallejo at Loggerheads.—New Governor Appointed.—His Soldiers.—Takes the Oath.—In Want.—Restores the Missions to the Friars.—The Decree.—Mission System Vindicated.—Fr. Durán's Circular.—Emancipated Indians.—Corpus Christi at Los Angeles.—New Constitution.—Cause of Mexican Disorders.—Santa Anna Admits Jesuits.—The Bishop's Delight.—Santa Anna Admits Spanish Priests.—New Legislature.—Candidates Chosen for Congress and for Governor.—Characteristic Paisano Assault on the Missions.

AS related in chapter first, the Mexican Congress, on November 7th, 1835, decreed the return of the missions to the control of the missionaries. Had this order been executed in California, Alvarado and his confederates would have saved their names from infamy; but the order of November 17th, 1840,[1] received no better treatment at the hands of Alvarado. It seems the General Government then decided to leave the execution to a new governor whom it found necessary to appoint in order to restore harmony among the quarreling paisano factions. The missionaries themselves regarded their return to the management of the little that had not been wasted with very small favor.

The paisano chiefs had been wrangling among themselves for the last seven years; just now Alvarado and Mariano Vallejo especially were at loggerheads with each other. "Alvarado gave himself up to convivial pleasures, drank deeply, was often unable from 'illness' to attend to official duties, and, having injured himself severely by a fall when intoxicated, was obliged to turn over his office in September (1841) to Jimeno Casarín, as he had done several times before."[2] Vallejo, besides complaining that the missions were ruined through Alvarado's appointees,[3] in a report to the General

[1] See page 210, this volume; Mofras, i, 304.

[2] Bancroft, iv, 193. See Appendix B.

[3] "His Excellency," (Alvarado) "has sold some thousand or two cattle of his own from the missions. . . . There is, however,

Government represented his own grievances, and declared that the territory was drifting to ruin. He suggested the appointment of another man who should unite in himself the military as well as the civil authority. The Government, in reply, exhorted Alvarado and Vallejo to act in harmony for the good of the country. Thereupon Alvarado and Vallejo despatched personal commissioners to Mexico to argue for their respective chiefs. Victor Prudon went for Vallejo and Manuel Castañares and Francisco Rivera represented the governor. Both parties sailed from Monterey on January 20th, 1842, in the *California,* and reached Acapulco on February 14th. When they arrived at the capital they learned that a new governor had already been appointed nearly a month previous, and that he would exercise both the military and the civil powers. This was not what the Californians had bargained for; but the territory had had a paisano at the head of the government for six years, with the result that the once flourishing missions and the Indian neophytes were almost extinguished, and the inhabitants so much divided among themselves that the country would be an easy prey to any foreign power. As a balm the President confirmed Prudon in the position of captain under Vallejo, and promoted the latter with José Castro to the rank of lieutenant-colonel in the regular army. Alvarado, on the other hand, received the commission of colonel of auxiliary troops, and Castañares was made administrator of customs.[4]

Santa Anna's choice for governor fell upon Manuel Micheltorena, brigadier and adjutant-general in the Mexican army, who had fought with the general in Texas, and had helped to put down a revolt in the capital. His appointment was

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quite an excitement above because he will not permit others to sell. Should his Excellency continue in office, I have no doubt the missions will suffer until there is nothing left to suffer." E. Estabrook to Larkin in the latter's "Documents," i, no. 122, Bancroft Collection. Also Bancroft, iv, 194.

[4] Bancroft, iv, 198-205; 281-286; Mofras, i, 312; Hittell, ii, 314.

dated January 22nd,[5] 1842, and his salary was fixed at $4000. A large force of soldiers was to accompany the appointee to California, but, finally, a decree was issued ordering the selection of three hundred convicts from various prisons. Those having trades were to be preferred. Many of the recruits brought their families along; many others, however, escaped before Micheltorena could board the vessel for the north. At Guadalajara, some of the most unmanageable soldiers of the city were added to fill up the ranks, so that about three hundred men, besides the officers, may have sailed from Mazatlán in four ships on July 25th. The governor's ship cast her anchor in the harbor of San Diego on August 25th. The others arrived within ten days later.[6]

"I saw them land," says Robinson,[7] "and to me they presented a state of wretchedness and misery unequaled. Not one individual among them possessed a jacket or pantaloons; but naked, and like the savage Indians, they concealed their nudity with dirty, miserable blankets. The females were not much better off; for the scantiness of their mean apparel was too apparent for modest observers. They appeared like convicts; and, indeed, the greater portion of them had been charged with the crime of either murder or theft. . . . I had an opportunity of seeing them all, afterwards, at the pueblo (Los Angeles), when on their route to Monterey. They mustered three hundred and fifty men, and their general had given them a neat uniform of white linen."

Micheltorena spent several weeks at San Diego in organ-

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[5] Bancroft, iv, 286. Hittell, ii, 315, has January 19th. Minister of Exterior Relations Bocanégra notified Micheltorena on January 25th that the President had appointed him civil governor of California. Certified copy of the original signed by Santiágo Argüello at San Diego on September 9th, 1842, in "Thompson's Collection," Sta. Barbara. Instructions from Minister Tórnel to Micheltorena, dated February 11th, 1842, in "Thompson's Collection."

[6] Bancroft, iv, 286-290; Hittell, ii, 315; Mofras, i, 312: "Micheltorena, qui mit á la voile de Mazatlan pour San Diego, le 25 juillet 1842, avec quatre cent cinquante personnes." . . . "debarqua au port de San Diego vers le 20 août."

[7] "Life in California," 212-213. Edition, San Francisco, 1891.

izing and drilling his convict recruits, but on September 3rd, 1842, he notified both Alvarado and Vallejo of his appointment to the civil and military governorship. Don Mariano surrendered his position of military commander on September 19th; but Alvarado was bitterly disappointed at the coming of a successor. However, on September 24th, he issued a proclamation in which he stated that he had been relieved in accordance with his own request. On September 4th, 1842, Santiago Argüello, the prefect of the second district, addressed a circular to the mayordomos of the missions northward that the governor and his troops would begin to march to the capital; and that they would need supplies and quarters which it was expected would be furnished.[8]

Late in the same month, Micheltorena set out from San Diego accompanied by the whole expedition, and was received with enthusiasm at Los Angeles. In December, he invited Alvarado to come to Los Angeles in order to make the formal transfer of the civil governorship. Instead, Alvarado sent his secretary, Manuel Jimeno, to act in his name. The legislative assembly had also been called to meet at Los Angeles on December 30th. The ceremony of taking the oath by the new governor took place December 31st, in the presence of the town council, part of the legislators, and of the most prominent citizens. Speeches were made; salutes were fired; and the city was illuminated for three evenings.[9]

Micheltorena soon after informed Bishop García Diego that he had been appointed governor and had taken the oath on December 31st. On the very day that he received the letter, January 15th, 1843, his Lordship replied and praised the religious sentiments expressed in the communication of the governor. The Bishop brought the information to the notice

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[8] Argüello to mayordomos of missions. "Thompson's Collection."

[9] Bancroft, iv, 290-295; Hittell, 316-317. "The authority of General Micheltorena appeared rather weak. It is probable that sooner or later he will be treated like his Mexican predecessors," Mofras (i, 313) predicted at the time.

of all the priests in the diocese by means of a circular letter of the same date.[10]

Micheltorena remained at Los Angeles with his battalion of *cholos,* as they were contemptuously styled, until midsummer 1843. "The records fail to show exactly how the troops were fed and clothed, since he found but fifty cents in the treasury at his arrival. The popular solution of the problem has always been that it was by stealing from the citizens. From Vallejo the governor received a schooner-load of provisions sent down from Petaluma on the *California* in June, with a certain amount of money; but a potent motive in determining the colonel's (Vallejo's) action was the acquisition of the Soscol rancho granted him this year, and for which the supplies furnished for public needs to the amount of some $11,000 were to be regarded as the price." [11] Contrast this with the action of the missionaries who for nearly forty years provided for the Indians and for the public needs without any grants or compensation.

It was while the new governor tarried at Los Angeles that he issued the memorable decree of March 29th, 1843, which restored the Indian missions to the care of the friars. Micheltorena thereby merely executed the law which a Mexican Congress had passed eight years previously, but which had been disregarded by the paisano chiefs. It reads thus:

"Manuel Micheltorena, Brigadier-General of the Army of the Republic, Adjutant-General of the Staff of the same Army, Governor, Comandante-General, and Inspector of Both Californias.

"Inasmuch as one of the complete instructions with which the undersigned general and governor finds himself charged is to 'examine the situation surrounding all the missions under his jurisdiction, their prospects and their resources for stability, as well as to regulate them'; and inasmuch as the Supreme National Government has transmitted to him all its powers, as is clear from the Supreme Order dated February

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[10] "Libro Borrador."

[11] Bancroft, iv, 351-352.

11th, 1842; therefore, in accord and with the consent of the Very Rev. Fathers José Joaquín Jimeno and José Maria de Jesus González Rúbio, whom I had appear before this government as presidentes of the other missionaries, and in the name of and as representatives of the Very Rev. Fr. Presidente and Vicar Forane, Fr. Narciso Durán, being well informed of everything necessary, and considering

"That the vast and immense stretches of land, formerly the property of the missions, have been allotted to individuals, this having been done at a period when the exigencies of the country required it;[12]

"That those pious establishments, so beneficial to social order as well as to Religion for having converted the savages to Catholicity and brought them to lead an agricultural and civilized life, are reduced to the gardens and to the plot on which stand the churches and other structures;

"That the Very Rev. Fathers have no other means of subsistence than what is given them, and that Divine Worship without prospering is barely sustained;

"That, owing to their natural indolence, too heavy labor, the scarcity of nourishment and want of clothing, those Indians who have not any particular accommodation, or who are not in the missions, prefer to return to the mountains and die in the wilderness rather than drag out a life of slavery full of privations and without any social pleasures;[13]

"That this continual emigration of the natives from the service of individuals to the missions and from the missions to individual employers, or to the woods, retards agriculture

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[12] hardly; but Micheltorena wanted to avoid hurting the guilty paisanos.

[13] "una vida de esclavitud, llena de todas las privaciones y sin ninguno de los goces sociales." A sharp arraignment of the administrator period; but such a life it was for the Indians under the management of the hirelings, as preceding pages amply demonstrate. Pico, Alvarado, Bandini, Vallejo, etc., must have keenly felt the implied condemnation of their machinations against the missions, and they may then and there have determined to revenge themselves on Micheltorena.

more and more and frightens away the gentiles instead of attracting them to the bosom of our holy Religion;

"That in the administration of the missions there have been committed some notorious frauds and extravagances which every inhabitant of the country laments;

"That, inasmuch as there is no other means to reanimate the skeleton of a giant, such as is the remnant of the ancient missions, than to return to the practice of the past and uphold it by means of the supports of the civil and ecclesiastical powers, having considered and weighed all this well, I have deemed it well to decree the following articles:

1. "The Government of this department (California) will command that to the Very Rev. Fathers, who shall be named for each mission by the respective prelate, be surrendered the missions of San Diego, San Luis Rey, San Juan Capistrano, San Gabriel, San Fernando, San Buenaventura, Santa Barbara, Santa Inés, La Purisima, San Antonio, Santa Clara, and San José, which shall hereafter be administered by the Very Rev. Fathers as guardians of the Indians in the same manner as they managed them before.[14]

2. "Inasmuch as policy regards what has been done until now to be irrevocable, the missions cannot reclaim any lands that have been thus far ceded; but they may collect the livestock, effects, implements and tools which the Rev. Curators or the administrators may have loaned, observing harmoniously time and manner as regards the debtors and holders.

3. "They shall likewise carefully collect the scattered neophytes, excepting, firstly, those legally exempt from tutorship by the Supreme Departmental Government; secondly, those who on the date of this decree are in the service of private individuals, it being understood, however, that if any of

[14] A distinct triumph for the mission system. The friars were asked to resume charge of the missions because the system introduced by Figueroa, at the behest of the Californians, had bankrupted the establishments and dispersed the poor neophytes. Unfortunately the decree came too late. It would have been in time when the Mexican Government ordered the restoration eight years before.

either class voluntarily desire and prefer to return to their mission they shall be admitted and received after having obtained the consent of their employers and of the Rev. Missionaries.

4. "The Territorial Government, in whose possession the missions have been till now, in virtue of the most ample powers with which it is invested, and referring to the aforesaid considerations, authorizes the Rev. Missionary Fathers to provide from the mission products for the indispensable expenses of conversions, food, clothing and other temporal needs of the Indians; and also to take from the same fund the moderate portion which they need for their own sustenance, for the economical salary of the majordomo, and for the maintenance of the Divine Worship,[15] on the condition that they shall be obliged upon their honor and conscience to pay to the treasury, the Rev. Fathers having previously received an explicit order in writing signed by the governor, military commander and inspector, for the sustenance and clothing of the troops and the needs of civil officials, one-eighth part of the total annual produce and revenue of every kind, taking care to present through their prelates an exact and truthful report at the end of each year regarding the number of neophytes, the movable and immovable property, and of all kinds of fruits or their corresponding value, pertaining to the mission.[16]

5. "The Departmental Government, taking pride in being religious as well as wholly Californian, and as such interested in the same manner as all and every inhabitant of both Californias in the progress of the holy Catholic Faith, and in the prosperity of the country, offers to do all in its power to aid

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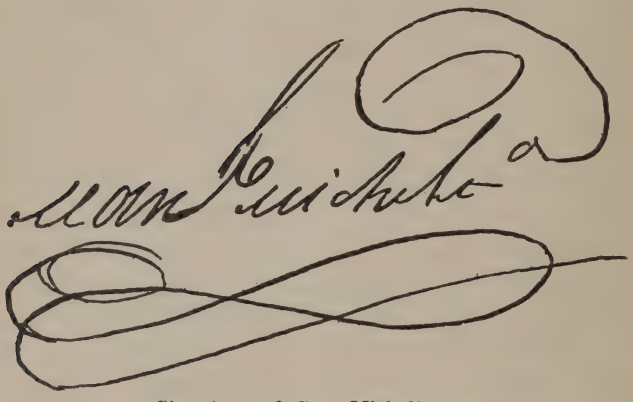
[15] Micheltorena throughout uses the correct term Culto Divino.

[16] This was placing a heavy burden on the poor old friars; but they could have made the missions wealthy, and the Indians need not have overworked themselves for worthless soldiers, if in the years following 1811 they had not been compelled to contribute more. One-eighth, twelve and one-half cents on the dollar, is an exorbitant tax on exhausted property, yet it was small compared with the exactions of previous governors.

the missions, and as commander-general of the military to guard, defend and sustain them, in the same way as it protects the rights and guaranties of private individuals, in the possession and conservation of the lands which they hold at this date; promising, however, to make no new grants whatever



Signature of Gov. Micheltorena.

without a report from the respective local authorities and from the Rev. Missionaries, or in case of notorious non-occupation, non-cultivation, or necessity.

"Given in the City of Los Angeles, March 26th, 1843.—Manuel Micheltorena. Francisco Arce, Provisional Secretary." [17]

"Under the regulation just cited," Bancroft observes,[18] "the padres became independent of the administrators, with whom as a rule their relations had not been friendly. They were enabled to protect from injury and loss certain property in the shape of buildings and gardens, which in the natural order

[17] The original in the Santa Barbara Archives has above date. Micheltorena to FF. González Rúbio and J. J. Jimeno. This copy has March 29th. "Cal. Arch.," St. Pap. Mis. & Colon. ii, 689-694; also pp. 669-674; Dwinelle, "Narrative," 73; "Addenda," no. lvi, pp. 83-84; "Halleck's Report," Appendix no. 19, pp. 161-162, without the preamble; Bancroft, iv, 369, without preamble; Hittell, ii, 323-324, in substance.

[18] "California," iv, 370-371.

of things would revert to the Church. With the small remnant of cattle and implements left from the general wreck, with the few Indians whom past changes had left in the communities, and with the temporary use of such poor lands as had not yet been granted to private ownership, the friars might now toil to support themselves. They hoped by the change to avoid at least certain personal humiliations and annoying complications with local and departmental authorities. On the other hand, the act was doubtless a wise one on the part of Micheltorena. So completely had the missions been stripped, in one way or another of all that was valuable, that revenues could no longer be depended on; and the eighth of total production guaranteed under the new management was expected to prove a gain."

On April 3rd, the governor addressed to the administrators of the missions of San Diego, *San Luis Rey,* San Juan Capistrano, *San Gabriel,* San Fernando, San Buenaventura, Santa Barbara, Santa Inés, La Purisima, San Antonio, Santa Clara, and San José the following order: "Pursuant to the decree issued by this superior departmental government under date of March 29th last past, which you will have seen published, and in conformity to what is literally ordained therein, you will please deliver the mission in your charge, after the respective inventories have been made, to the Rev. Father whom it may please the Rev. Fr. Presidente to designate, and who may present the order to that effect. You will render an account to this government along with the documents of the transfer and reception in which are specified the buildings, gardens, chattels, farm implements, etc., and will receive the allowance for the time during which you have discharged the office of administrator. God and Liberty. Los Angeles, April 3rd, 1843." [19]

Fr. Narciso Durán, on April 18th, 1843, in a circular communicated the substance of Micheltorena's five articles to the

[19] "Cal. Arch.," Dep. Rec. xiii, 98-99. San Luis Rey and San Gabriel are not mentioned in our copy.

Fathers under his jurisdiction.[20] He notified them that he had accepted the governor's Reglamento, and that he hoped each one would likewise accept his charge and comply with the conditions. For the better execution of the task imposed, Fr. Durán subjoined the following *Reglamento para la Mejor Observancia de los Cinco Articulos*:

1. "The Rev. Missionary Fathers, after having shown the order of the governor, which comes with this circular, to the respective majordomos, will begin harmoniously to receive all the property of the missions in house or field by inventory, signed by Your Reverences and the majordomos. You will make three copies: one for the governor, one for this prefecture, and one to remain at the mission.

2. "Regarding claims, which any majordomo may allege for back salary, Your Reverences will not worry about them, but you will refer those who make such claims to the governor.

3. "Once that his Excellency, the governor, does us the great honor to refer to our conscience regarding the one-eighth or twelve per cent. of the annual revenues in favor of the treasury, I recommend and hope that Your Reverences will employ fidelity in order that such honorable consideration may never be undeserved, and that therefore the annual reports which Your Reverences must remit to the Superior in duplicate, one for the governor and one for these archives, will be exact and truthful.

4. "In view of the fact that the money, which one or the other mission may save out of the produce, after having fed and clothed the Indians, excites the cupidity of some people to promote what they have called secularization, in the belief, mayhap, that each mission is for them a gold mine; and understanding that what the missions actually need most, is to increase the live-stock, to store up garments for clothing the neophytes, and to attract and pacify savages, it seems to me necessary that you be on your guard not to sell the produce

[20] Fr. González Rúbio doubtless instructed the Zacatecan friars to the same effect, though we have not been able to secure a copy of his instructions.

and other articles of mission industry for money, but that you invest the proceeds in cattle, cloth, or improvements.

5. "Of course, I do not intend to change any one of Your Reverences from the mission where he abides. In order to avoid the necessity of sending an order to each one of Your Reverences in particular that he receive the respective mission which the majordomo must surrender to him, it is my intention that this circular serve as and supply such command; and that it shall give the majordomos to understand that Your Reverences may accept and they may surrender in accordance with the tenor of the official notice from the governor which may be despatched to each one.

"I hope that Your Reverences will make the grand sacrifice of returning to charge yourself with the tutorship and guardianship of the persons and property of the neophytes. We should regard it as an affair of conscience and of grave responsibility before the tribunal of God if any one of us should refuse to accept the only means which the religious piety of the Government places into our hands in order that the poor Indians may not complete their demoralization and ruin, and that the sad relics of their property, saved from the shipwreck, may be preserved. Santa Barbara, April 18th, 1843. Fr. Narciso Durán, Comisário-Prefecto de las Misiones del Sur." [21] The receipt of the circular was acknowledged by Fr. Antonio Jimeno of Santa Barbara, Fr. José Joaquín Jimeno of Santa Inés, Fr. Blas Ordáz of San Fernando, Fr. Thomás Esténaga of San Gabriel, Fr. José Maria de Zalvidéa of San Luis Rey, and Fr. Vicente Pasqual Oliva of San Diego, the latter then, May 8th, 1843,[22] on a visit to San Luis Rey. These with Fr. Juan Moreno of Santa Inés and Purisima were the only survivors of the Fernandinos, after Fr. Ramón Abella and Fr. Francisco González de Ibárra had passed away in 1842. Including Fr. González Rúbio, who was with the Bishop at Santa Barbara, and Fr. Francisco Sánchez, who acted as professor at the seminary, the Zaca-

[21] "Sta. Barb. Arch."

[22] Ibidem; Mission Records.

tecan Franciscans in the north counted nine missionaries in California.

In consequence of the Decree of Restoration, the officials of white settlements were notified, and all probably received notes similar to the following addressed by Prefect Estráda of Monterey to Sub-Prefect Suñol at San José: "Regarding the Indians from Mission San José, who have not been emancipated, but may be found at your pueblo, you will see that they immediately present themselves to the person in charge of said mission to whom they must without fail subject themselves; and those, who may prove that they have acquired their liberty, may continue to enjoy choosing the person whom they agree to serve. The respective judge must watch that they are always occupied with some useful work, and he must not forget to hear them and to impart the justice to them which they merit in the transactions that may occur." [23]

While at Los Angeles, besides making a public profession of his Faith, Governor Micheltorena added unusual splendor to the Corpus Christi celebration of 1843, which occurred on June 15th. Addressing the prefect of the second district, Manuel Domínguez, on June 14th, the governor writes: *"Celebracion Militar de la Fiesta del Corpus Christi.*—In the order of to-day I have commanded the following to be inserted: 'At eight o'clock to-morrow morning all the chiefs and officers who are not on duty will appear at the residence of His Excellency, the Comandante-General and Governor, in order to assist at the National Feast of Corpus Christi. The Battalion of Californians in their best outfit possible will hear holy Mass in the church, and at the conclusion will march out to form in line for the procession, their right wing near the principal door of the temple. The artillery, owing to the scarcity of powder, will fire three salutes at daybreak, one as soon as the procession leaves the church, one about mid-

[23] Estráda to Suñol, April 4th, 1843. "Archives of San José," ii, 190. Bancroft Collection.

way of the route, one as the procession reenters the church, and three at sunset.'" [24]

During this same year 1843, the Mexican Constitution of 1836 was supplanted by another adopted on June 12th.[25] It was the third in the short life of the so-called republic, but not the last, nor did it improve things. Says Alaman: "Extraordinary powers have at various times been conceded to those who have had control, but they only resulted in new abuses. The congresses have succeeded one another, now composed of one house, then of two, and these were reunited in one chamber, but nothing was improved. The Spanish Constitution gave way to the Federal Constitution of 1824; this was changed to the Central Constitution in 1836; and that was modified in 1843; but the results have been the same." [26]

In that unhappy country it all depended upon which faction of restless, unscrupulous and ambitious politicians secured control whether the existing laws should continue in force, and especially how much liberty of conscience or freedom to serve God Almighty should be allowed to the people. The would-be statesmen generally proclaimed the Catholic Religion the Religion of the State, but they had no intention

[24] "Cal. Arch.," Dep. St. Pap., Angeles xii, 692-693. Fancy such an order emanating from any official in Mexico under liberty-prating "Liberal" rule. It would throw the whole clique into fury. It will be observed that Religion there is strictly confined to the inside of the confiscated churches, and barely tolerated even there. A surplice or habit appearing on the street or sidewalk would land the wearer in prison. In 1843, however, the Government had not yet turned entirely anti-Christian. See Appendix E.

[25] Dwinelle, "Colonial History," Narrative p. 73; Bancroft, iv, 359-360; Hittell, ii, 325.

[26] "Se han concedido varias veces facultades extraordinarias á los que han tenido en sus manos el poder, y solo han resultado nuevos abusos. Los congressos han venido los tras de otros, de una, de dos cameras, ó reunidas las dos en una sola, y nada se ha mejorado. La Constitucion Española cedió el lugar á la federal en 1824; se cambió ésta en central en 1836; y se modificó en 1843, y los resultados fueron los mismos." Alamán, "Historia de Mejico," tom. iii, lib. ii, cap. xii, 927-928.

of submitting to its guidance even in spiritual matters. This must be kept in mind throughout, for malevolent historians and ignorant magazine writers have attributed the backward conditions of that unfortunate country to the Church, whereas she has been hampered and oppressed in the exercise of her God-given ministry from the day of independence until now. The turbulent state of society in Mexico is the direct result of irreligious intriguers, every one of whom wanted to be on top. Catholics could have no part in such revolts and claim to be acting in accordance with the teachings of the Church.

Governor Micheltorena on September 22nd, 1843, informed Bishop Diego of the changes in the Constitution, and that all were expected to swear allegiance. The Bishop, through his secretary, replied on October 16th that, on the day before, he and the clergy had assembled in the reception room of Mission Santa Barbara and then marched in procession to the church where the oath was taken by the ecclesiastics in the following order: Rt. Rev. Bishop Francisco García Diego, Fr. Antonio Jimeno, missionary in charge, Fr. Francisco Sánchez, the secular priests Rev. Antonio Jiménez del Récio, and José M. Rosáles, the Rev. Dorotéo Ambrís, subdeacon, José de los Santos Ávila, in minor Orders, several students, and the Rev. Secretary Fr. González Rúbio.[27] Fr. Durán, as well as the friars in their missions, doubtless also complied. Fr. Esténaga, for instance, writes from San Gabriel that he had in the mission church sworn to Las Bases Constitucionales.[28]

The astute Santa Anna, the chief author of the *Bases Organicas de Tacubaya,* from the same government palace of Tacubaya, on June 21st, 1843, also issued the following remarkable proclamation which was scarcely inspired by love for the Church or for the religious: "Antonio López de Santa Anna, Division-General, well deserving of the Mexican Republic, to the inhabitants thereof. Know Ye that

"Whereas the methods of force and conquest have not suf-

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[27] "Archb. Arch.," no. 2269; "Libro Borrador."

[28] Fr. Esténaga, December 20th, 1843. "Archb. Arch.," no. 2268.

ficed during more than three hundred years to introduce the customs of civilization among the wild tribes that still inhabit some of our frontier departments, laying waste and destroying them by making savage war without mercy;

"Whereas the religious of the Company of Jesus have always devoted themselves with laudable zeal to the conversion of the barbarous Indians by preaching to them a sweet Religion, the humane and eminent civilizer;

"Whereas different authorities of those departments, and many citizens most distinguished for their adhesion to liberal principles rightly understood, have recommended this means as very capable of contributing to the security of the territory where the wandering tribes reside; and

"Whereas said institution is admitted into the United States and other republics of America without either discredit or prejudice to the republican form of government, nor to the liberties which it has cost so much blood to establish in America; therefore,

"In virtue of the authority which is conceded to me by the seventh of the Bases adopted at Tacubaya and sanctioned by the will of the nation, I have deemed it well to decree what is contained in the following article:

"Missions of the Company of Jesus may be established in the departments of California, New Mexico, Sonora, Sinaloa, Durango, Coahuila and Texas for the exclusive purpose of dedicating themselves to the civilization of the tribes called barbarous, by means of the preaching of the Gospel, in order that in this manner the integrity of our territory may be the better secured." [29]

The Minister of Justice brought the decree to the knowledge of Bishop García Diego, and in reply received the following communication under date of April 26th, 1844: "Afflicted as I always am on account of the crying want of priests in my diocese, I could not but be filled with joy on learning through Your Excellency's note of July 4th, 1843,

[29] "El Observador Judicial y de Legislacion," June 1843, pp. 480-481.

that a supreme decree had been published on the 21st of last June (which I have as yet not seen), that missions may be established in California by the Jesuits, as also that His Excellency the President was pleased to issue orders for the exact and punctual execution of said supreme decree. May it please Your Excellency to present to Most Excellent President my distinguished respects, and likewise to express to him my most sincere thanks for so pious, beneficial, and thoughtful a measure." [30]

Nearly three months after admitting the Jesuits, September 15th, 1843, Santa Anna promulgated another decree of similar import, whatever his motive. Therein he acknowledged that he had reviewed the causes, which had called forth the orders forbidding priests coming from Spain to enter the country. He was convinced that such orders were no longer useful. Owing to the great scarcity of priests in the northern departments, every ecclesiastic was there useful. It was scarcely in keeping with the generous and hospitable character of the Mexican nation to continue closing its doors after the danger of public disturbance had passed away. It was accordingly resolved that the orders excluding Spanish priests should be revoked, and that such Spanish priests should be permitted to freely come and reside in the republic, under the obligation, however, that they must serve in the missions when the government thought it necessary.[31]

In virtue of the new Constitution, a President for Mexico was to be elected, and the vote of California was to be cast by the legislative assembly, now called "asamblea departamental." That body accordingly assembled at Monterey on November 1st, 1843, and unanimously voted for Santa Anna. On November 19th, the electors met at Monterey and chose Manuel Castañares to succeed Andrés Castillero as delegate to the Mexican Congress. Antonio M. Ósio was named substitute. Next day, November 20th, the seven territorial legislators were chosen. Those elected were Pio Pico, Francisco

[30] "Libro Borrador."

[31] "Cal. Arch.," Sup. Gov. St. Pap. xvii, 355-359.

Figueroa, Narciso Botello, Francisco de la Guerra, David Spence, José Ramón Estráda, and Estévan Munrás. The substitutes were Carlos A. Carrillo, Antonio Suñol, Juan Miguel Anzar, Sálvio Pacheco, José Castro, Ignácio Peralta, and Ignácio del Valle.[32]

On February 4th, 1844, the assembly was convoked for an extra session to begin February 10th for the purpose of choosing a list of candidates out of which the President might appoint the governor in accordance with the new Constitution. Only the northern representatives were present, and these, on February 13th, named Manuel Micheltorena, the incumbent, as first choice, Juan B. Alvarado as second, Rafael Telles as third, Antonio M. Ósio as fourth, and Manuel Jimeno as fifth. The result was announced by the governor in a proclamation of the 13th.[33] Pio Pico and the three southern members had not been present, and therefore protested against the proceedings. The chief reason, probably, was that his name had not been placed on the list.[34]

The assembly was again called to meet in special session on August 15th 1844, for the purpose of devising means for the protection of the territory against foreign invasion, notably from Americans. The question was referred to a committee consisting of David Spence, Pio Pico, and Narciso Botello. The final action of the assembly was characteristic of the un-Christian ideas which controlled young Californians. Whereas Christians, Catholics and non-Catholics alike, gladly contribute towards establishing and maintaining missions among the aborigines at home and abroad; and whereas Christian Governments,[35] exempt such missions and Indian reservations from taxation, and would not think of burdening such insti-

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[32] "Cal. Arch.," Leg. Rec. iv, 54-55; 60-61; 63-66; Dept. St. Pap., Angeles, x, 184; "Thompson Collection."

[33] "Cal. Arch.," Dep. St. Pap., San José, vi, 1; Angeles, xii, 610.

[34] Bancroft, iv, 409-410; Hittell, ii, 337.

[35] notably Spain, before its governments had come under the influence of French infidelity. Legislation, like that of the paisanos against the missions, was impossible under Spanish law.

tutions in any emergency, the paisano chiefs, since the coming of Echeandía, invariably and rudely first and always demanded that the charitable institutions of the poor Indian neophytes, which had made life for their oppressors in the territory possible, should, in addition to the exorbitant tax of one-eighth of their total income, bear alone the burden of paying for the means adopted to protect the country! Thus, to the last, the Californians, like vultures, were ever ready to pounce upon the dying giant, who by reason of oppression, ill-treatment, and want of nutriment had fallen by the wayside a mere skeleton, as Micheltorena had correctly described the remnant of the missions. Little more, or nothing, was left save what according to Spanish law belonged to the Church as Church property in the strict sense of the word, and was therefore inviolable; but even such property was not held sacred by the covetous Picos and confederates, who had imbibed their notions of what is due to the Creator from French infidel writers and adventurers.

The report of the legislative committee was presented and unanimously adopted on August 24th. It declared that the missions afforded the only resource on which funds might be raised for the defence of the country.[36] The governor was therefore authorized to sell, mortgage, or rent the mission estates from San Diego to Sonoma inclusive in order to use the proceeds to pay war expenses.[37] Santa Barbara Mission, being the residence of the Bishop, and Santa Inés Mission, devoted to the education of the seminarians, should be ex-

[36] There was the property of the settlers; and the estates of those who sat in the assembly, on what grounds were they exempted from contributing? The Indian mission property was just as much private property, and the neophytes had a better title to it than the paisanos had to the lands of which they held possession. In article 5 of his Bando, Micheltorena had expressly declared that these lands of the neophytes "shall be protected like the rights and possessions enjoyed by private persons." It is indicative of their religious sentiments of those California legislators that not one rose to protest against the iniquitous measure.

[37] Hence a real confiscation of private property belonging to minors!

cepted. Such missions as might be sold were thereafter to be regarded as pueblos, and such as were rented or mortgaged should be considered departmental property; but in all cases care was to be taken to provide for the support of the priests and decorous maintenance of Divine Worship.[38] "In other words, the governor was authorized to complete the secularization of the missions,"[39] as Bancroft says, in order to nullify Micheltorena's act of restoration which had been a bitter pill for the conspirators headed by Pico.

[38] "Cal. Arch.," Leg. Rec. iii, 78-85; Hittell, ii, 339-340. Olivéra, "Documentos," 7-12. Bancroft Collection. What about the Indians, the real owners? They were not considered!

[39] Bancroft, iv, 410; 424-425.

## CHAPTER VI.

Fr. Durán's Vigorous Protest.—Castañares's Tirade against the Missionaries.—The Missions Restored to the Friars.—Those in Charge.—Fr. Rúbio Resigns Office of Presidente.—The Zacatecans Desire to Leave.—Fr. Antonio Reál's Pathetic Appeal.—Fr. Lorenzo Quíjas Appointed Vice-Comisário.—The Bishop Displeased.—Warm Dispute.—Fr. Quíjas's Circular.—The Bishop Very Much Offended.—Complains to the Governor.—The Roman Faculties under Which Franciscan Missionaries Exercised Their Ministry.

NO sooner had Fr. Durán heard of the dastardly attempt on the rights of his dusky wards, than he, like a veritable lion of the tribe of Juda, arose indignant and sent the following protest to the governor: "Your Excellency,—Never would I have believed that the animosity of some of the sons of this Upper California towards the missions, to which they perhaps owe all they have, would reach the extreme measure which has been published throughout the territory, and which forms the subject of this remonstrance, which I as prelate of the missions of the south have the honor of placing into the hands of Your Excellency, since I have been charged by Your Excellency with the care of the temporalities for the benefit of the unhappy neophytes, the real masters and proprietors, and in compliance with what the most rigorous justice demands. Well, who might not have believed that they (the Californians) would have been satisfied with what gain they have made from the movable and the immovable property, the goods and lands, the best of which they have acquired under the colored title of secularization? Who would not have believed that after the greed was gratified with the properties of the missions during nine years of depredations, they would let the unfortunate Indians enjoy in peace the wretched remnants which are hardly saved from the shipwreck?

"Your Excellency, the missions before the year 1834 might

have been likened to a ship which returned to the port of its departure after a happy and lucrative expedition, but, as misfortune would have it, suffered shipwreck at the entrance of the port, where all the wealth of its cargo was reduced to a few battered boards, broken sticks, tattered sails, damaged goods, etc., which the very sea after the tempest cast upon the beach. Would it not be the greatest iniquity and an unheard-of injustice to rob the owner of those wretched remnants which the sea as though in compassion at the destruction had restored to him?

"Thus more or less may we represent the state of the missions. Before the year 1834, they had arrived at the zenith of their prosperity by means of the ability and well regulated economy of the pilots, the missionaries. But oh! what mishap! There came a tempest which lasted nine years, and the missions were on the point of ruin. Only a few worthless fragments remained which are nothing more than a dim shadow of what they have been. Like the ruins which the traveler beholds over the sites of Troy, Thebes, Memphis, Ninive, Babylon, Palmyra, etc., which are nothing more than sombre shadows of the ancient grandeur of those cities.

"Is it possible, then, Your Excellency, that greed is not yet satisfied, but wants to rage and rave against these wretched fragments? And against whom is such rage and fury? Against the most harmless and helpless beings that form part of our society! Against the most spiritless men, who, though they have a heart to feel the grievances, seem not to have a mouth to complain! In a word, against unfortunate Indians who cannot count upon any other protection than the pity of the government.

"What then shall we call this frenzy which denies the humanity of permitting that these unfortunates enjoy in peace the relics of their fortunes, but rather demands and decrees that they shall be sold and taken away? I do not know, nor do I find another term except that of plain and notorious injustice. Yes, Your Excellency, I doubt not that, if it is true that the Excellent Assembly has decreed the sale of the missions, it

has horribly outraged the virtue of justice, which commands to give each one what belongs to him. Justice is the support of society and it is just as fair and impartial to Indians as to other classes. Owing to this violation of justice no one can hereafter be sure that his property will not be assailed by another who may have the necessary force to do so with impunity.

"Not much theology is necessary to perceive the enormity of the injustice which would be committed if the decree of the Excellent Assembly were executed. Why? Whence are the missions? Who raised them? Who are the legitimate masters and proprietors? Is there an infant in the whole territory that does not know that the Indians, and the Indians alone, are the owners? Is there any one that does not know that if only one family, only one individual of the community survived he is the natural heir, and enters into all the rights of the community? With what justice, then, does the Excellent Assembly proceed in decreeing the sale of the missions? Do the missions belong to the members? Do they forsooth belong to the nation? Examine title 1, article 9, number xiii, and see what the nation says in speaking of property. Should then the Excellent Deputation be bound to do anything else with regard to the missions save foster and protect them in favor of their exclusive owners?

"And what may be the object of selling the missions? To procure means, it is said, for the government? And of all of which the missions have been despoiled already, what benefit has resulted to the government? Let those say who may know? I only know that in general such measures are nothing more than bread for to-day and starvation for the whole year.[1]

"Let us now proceed to another matter which the Diputados should not have forgotten. The majority in this California

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[1] This, indeed, has been the experience of governments and individuals alike. The confiscation of Church property, above all, never did the thieves any lasting good, as those Californians have learned to their shame and grief.

FR. DURÁN HEARING THE COMPLAINTS OF THE NEOPHYTES. (See Page 118.)

has not as yet become so infected with infidel philosophy that in life and especially at death it wants to do without public worship and the Sacraments. It still hearkens to the penetrating voice of nature which clearly tells them that there is a God, and that man is obliged to offer Him worship in union with the rest of men that compose the same society. This worship which is the bond of society, without which there can be no religion nor morals which keep men within the confines of human justice, cannot be maintained without churches or without public ministers set apart for that purpose. The missions have hitherto sustained these obligations in favor of the whole population. If the missions are sold, on what shall Divine Worship and its ministers subsist? Shall they apply themselves to traffic? Shall they act as day-laborers, or perform other offices unbecoming to them, on account of which they would forfeit the respect and authority which are so necessary in order that the faithful may see in the priesthood men who are representatives of a living God, and dispensers of His divine mysteries? Or, do they demand that the priests should be at the same time men and chameleons who live on the air they breathe? Why has not this entered into the considerations of the diputados? Why have not means been proposed for an object which among the principal ones should have been regarded as the most principal?

"I have heard that when some one made this observation to one of the diputados he gave this mighty arrogant answer: *The governor will provide.* No Sir, I would have retorted, it is not the governor that must provide but the Excellent Diputacion which has taken away from the governor the means with which he has hitherto provided for both necessities. He that takes away the means for providing a thing is obliged and no other to devise a substitute. I doubt very much that the governor will find another way to provide for us, unless it be by giving us a passport to procure food for ourselves in some other country. It ought to be very pleasant for some to see the very ones who have fed so many in California surrender to hunger.

"In view of what has been said, and wishing as far as I can to comply with the obligations of a prelate and guardian of these missions of the south entrusted to me by the government of Your Excellency; and in consideration that the decree of the sale of the missions is not a law of the Mexican Nation, nor an order of the Supreme Government, nor of the territorial government, but a simple decree of the Excellent Assembly, I declare herewith that I protest before Your Excellency and before the Supreme Government, as emphatically as is permitted in law, against the said decree of sale of the missions, because it appears to me to be the climax of injustice, of which I doubt there is an example from the Bosporus to Kamschatka. God keep your Excellency, etc. Santa Barbara, October 21st, 1844. Fr. Narciso Durán, Prefect of the Missions of the South." [2]

Whether the members of the assembly, which was evidently dominated by Pio Pico, would have heeded this able protest, is doubtful. Fortunately the alarm of war proved false. Micheltorena, doubtless to his relief, escaped the disgrace of having to aid in killing the giant outright. That feat was reserved to one, who as a member of the committee doubtless proposed the scheme to the assembly, and who could execute it without any qualm of conscience.

About the same time Castañares, the delegate to Congress from California, proved himself worthy of the anti-mission crowd that had sent him. In the extra session of March 30th, Castañares argued on the topic of the missions and the Pious Fund in opposition to the reports of certain committees. Instead of a dispassionate statement of the facts, and instead of manfully coming to the defence of California's benevolent institutions, the California partisan of the Picos and Alvarados delivered himself of a tirade against the mission system and against the use made of the Pious Fund when its revenues had been at the service of the missionaries as the donors had directed. He declared the Fund must indeed be devoted in good faith to California in accordance with the

[2] Fr. Durán, "Protesta." "Sta. Barb. Arch."

wishes of the founders of the Fund—but not exactly in the manner in which it had been applied before;[3] for under the old mission system, Castañares asserted, the Indians had neither become Christianized nor civilized, but had rather been enslaved, retaining their idolatry, but losing their native freedom and wild dignity;[4] and therefore the Pious Fund, of course, had not been used according to the wishes of its generous founders. Those wishes must not be interpreted too literally;[5] for the catechism was not the only means of conversion and civilization;[6] a still more effective one was "the intimate contact of the barbarian with the man of culture, of the idolator with the Christian."[7] There was no better way to elevate the Indians than encourage the development of

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[3] As the reader will have learned to his perfect satisfaction, the revenues of the Pious Fund were applied in Lower California by the Jesuits strictly according to the intent of the benefactors, who were then still alive, and who would have withdrawn their assistance if any of the money had been misapplied. In the same manner the successors of the Jesuits, the Franciscans and Dominicans, applied the revenues doled out to them from that Fund by the king.

[4] "En aquellas misiones el Indio conservaba su idolatria, sin tener la mas ligera idea de la consoladora creencia del Salvador. . . . En vez de beber en la pura fuente de la Religion, el Indio de las misiones era un verdadero esclavo." One is amazed at the audacity of the man, and wonders whether the California delegate was in his sober senses. However, it was just such malicious drivel that the paisano chiefs circulated in order to excuse their robbery of the missions.

[5] "La voluntad de los fundadores de este poderoso recurso no se debe interpretar hoy de una manera tan literal." What would a probate judge say to such a proposition? The mission despoilers would soon have interpreted the Pious Fund out of existence.

[6] The catechism, or Religion, has nevertheless been found to be the only means. Even President Santa Anna recognized that fact in his proclamation. See page 283.

[7] "El intimo contacto del barbaro con el hombre morigerado, del idolatra con Cristiano." It was the greatest misfortune of the Indians that they ever came into contact with the "man of culture" in California, for he was neither honest nor moral, in fact not a Christian at all.

prosperity and culture among the gente de razon.[8] Therefore, and this was the objective point of all Don Manuel's brilliant reasoning, the administration of the Pious Fund should not be entrusted exclusively to the Bishop, but should be controlled to some extent by the California government. "It is needless to add," Bancroft sarcastically remarks, "that Castañares's eloquence in this direction did not practically enrich the Californian treasury."[9] The Mexican Government judged the morsel agreeable enough for itself, and therefore simply confiscated the estates, as was already said.

The surviving friars had meanwhile resumed charge of the restored mission temporalities, or what remained of them, and were endeavoring to bring order out of the chaos and ruin caused by nine years of secular mismanagement. The whole force of the Fernandinos, headed by Fr. Durán, consisted of eight Fathers of whom six were aged or infirm. Only the two Jimeno brothers still enjoyed full vigor of health. Fr. Durán and Fr. Antonio Jimeno dwelt at Mission Santa Barbara. They attended this mission and Mission San Buenaventura, as well as the town of Santa Barbara with its soldiers. After the death of Fr. Abella, in 1842, Fr. Durán, not having a substitute, surrendered the missions of San Luis Obispo and San Miguel to the Bishop, who thereupon placed the newly-ordained secular priest Rev. Miguel Gómez in charge as curate. These two missions were thus secularized and so became the *first regular parishes* in Upper California under the direct jurisdiction of the Bishop. In the following year, Fr. Prefecto Durán also petitioned his Lordship to relieve the friars of Mission San Buenaventura. The newly-ordained secular priest, Rev. José Maria Rosáles, was accord-

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[8] Well, the man of culture and the gente de razon helped themselves to what belonged to the Indians and prospered for a time; but the Indian, meanwhile, suffered degradation, impoverishment and annihilation. One must be wilfully blind not to perceive that result.

[9] Castañares, Speech in Congress, March 30th and September 1st, 1844. Bancroft Collection. Bancroft, "California," iv, 414-417.

ingly named curate on November 8th, 1843;[10] but Fr. Antonio Jimeno retained charge of the temporal affairs of the Indians. Fr. Durán's little band of missionaries remained in charge of the missions of San Diego with the presidio, San Luis Rey, San Juan Capistrano, San Gabriel with the town of Los Angeles, San Fernando, Santa Barbara with the presidio, Santa Inés, and Purisima, the latter almost extinct, being attended from Santa Inés. Fr. José J. Jimeno continued presidente, and Fr. Durán was reelected comisario-prefecto by the College chapter held at Mexico on April 20th, 1844, under the presidency of Fr. José Maria Pérez Llera, then guardian of the College of Santa Cruz, Querétaro.[11]

In the same year, 1843, the Zacatecanos numbered nine Fathers, who had charge of San Carlos and Monterey, San Antonio with the extinct Mission of Soledad, Santa Cruz, San Juan Bautista, Santa Clara with the town of San José, Mission San José, San Francisco de Asis or Dolores, San Rafael, and San Francisco Solano or Sonoma. Early in 1841, before leaving Mexico, Bishop Diego had asked Fr. Rafael Sória, the comisario-prefecto, to permit Fr. Presidente González Rúbio of the Zacatecans to live with him as confessor and secretary. Fr. Sória informed Fr. Rúbio that the request could not be denied, but that if he desired he might retain the offices of presidente and vice-comisario.[12] Fr. Rúbio thought these offices incompatible with his duties as secretary of the Bishop, and therefore asked to be relieved of both. The discretos of the College thereupon named Fr.

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[10] Bishop Diego to Fr. Durán, November 8th, 1843. "Sta. Barb. Arch."; "Libro Borrador."

[11] "Patente," duplicate (original copy having gone astray), Fr. Hidalgo to Fr. Durán, September 20th, 1845; "Carta," July 20th, 1845. "Sta. Barb. Arch."

[12] Fr. Rúbio had been elected presidente by the college, and Fr. Sória had named him vice-comisário on the same date, July 22nd, 1840. Fr. Sória to Fr. Rúbio, July 22nd, 1840; February 9th, 1841. "Libro de Patentes," Santa Clara, 39-40; "Sta. Barb. Arch."

Antonio Ánzar of Mission San Juan Bautista presidente, and Fr. Sória appointed Fr. Lorenzo Quíjas vice-comisário.[13]

In a circular, issued at the College of Guadalupe, Zacatecas, on August 4th, 1840, Fr. Comisário Sória had notified the Zacatecan friars in California that they were at liberty to place themselves under the immediate jurisdiction of the Bishop, but that in such a case they could not expect relief from the College, because they would cease to be missionaries inasmuch as their charges would discontinue to be missions, that is to say, the missions would be secularized.[14] None of the friars availed himself of the permit. All desired to return to Guadalupe, as the very thought of being parish priests was distasteful to them. Moreover, the vexations suffered during the nine years of comisionado mismanagement, and the condition in which the once flourishing missions were restored to them, only made the Fathers long for the day when they might sail back to Mexico. Fr. Antonio Reál probably voiced the sentiments of all when he wrote from Santa Cruz to the Fr. Vice-Comisário, Fr. Lorenzo Quíjas: "Your Paternity is not ignorant of the critical situation in which this poor church and its priest find themselves, since they are without funds and even without an Indian to ring the bells.[15] I therefore supplicate you to exercise your whole influence with the governor that the Russian[16] may be made to haul tiles to his ranch himself, and that the said administrator surrender the chattels and Indians with the orchards so that the church and the few inhabitants which have been deserted

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[13] Fr. Pérez to Fr. Rúbio, April 8th, 1843. "Pap. Orig.," Misiones, ii, 1115, Bancroft Collection. Fr. Sória to Fr. Ánzar, March 6th, 1843; Fr. Sória to Fr. Quíjas, March 6th, 1843. "Libro de Patentes," Sta. Clara, 43-44. Fr. Ánzar, "Circular," October 10th, 1843. Ibidem. Fr. Rúbio to Fr. Ánzar, December 15th; Fr. Quíjas to Bishop Diego, October 15th; Bishop Diego to Fr. Quíjas, December 15th; 19th, 1843; Fr. Quíjas to Bishop Diego, March 4th, 1844. "Sta. Barb. Arch."; "Libro Borrador."

[14] Surrendered to the Bishop for installing of secular priests.

[15] "ni siquiera un Indio que toque las campanas."

[16] José Bolcoff, who had been put in charge of the mission.

might be maintained. It is more just that they labor for their mission church than for private individuals. Finally, if there are no Indians, there is no need of a priest either; for I am commissioned to be a missionary, not a curate,[17] but if I remained, I should have to renounce my College. I am tired, and cannot live among these people who are very depraved.[18] The wholesale robbery has left me without means. On what shall I count for my board?

"For the love of Jesus Christ comfort me by allowing me to retire to the College, for I have the honor of addressing here the Fr. Commissary himself or his representative,[19] which is just the same. If Fr. Sória [20] should see to what his friars are exposed, how without any resources, without encouragement, they sacrifice themselves and give themselves up to manual labor in order to procure food lest they die of hunger, he would at once command them to withdraw." [21]

Fr. Lorenzo Quíjas had informed Bishop Diego of his appointment under date of October 15th, 1843. How his Lordship received the information will be seen from the following letter, which was not sent out until December 15th. "Beloved Son: In my hands is a letter by which you [22] communicate to me your appointment as vice-comisário of the missions in the north. I speak to you with candor, as you know I am an enemy of duplicity and simulation. This appointment has surprised me, and I attribute it to the want of knowledge about this diocese on the part of the Rev. Fr. Comisário-Prefecto of Guadalupe. Otherwise, I believe it

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[17] "Mi comision es de misionero, y no de cura."

[18] He probably had in mind the white settlers rather than the Indians. The former, at Branciforte, just opposite, had a bad name from the beginning, and their conduct necessarily affected the neophytes.

[19] Fr. Lorenzo Quíjas, the vice-comisário.

[20] The Comisário-Prefecto at Guadalupe de Zacatecas.

[21] Fr. Ant. Reál to Fr. Quíjas, December 7th, 1843. "Archb. Arch.," no. 2270.

[22] The Bishop addresses Fr. Quíjas in the second person singular. Both had been of the same band of missionaries that came in 1833.

would not have been made. I speak to you thus because I know your talent and good intentions. Moreover, he is not aware of the instructions of His Holiness, Gregory XVI., concerning this diocese.[23] I am certain that, after a quarter of an hour's conference with me, he would not have conferred this charge which he thought in keeping with his duty to bestow upon you, because, in view of what is commanded by the Holy See, I believe it cannot be.[24]

"Therefore, lest acts of jurisdiction be null and void, I charge you not to make use of your patente or appointment. The Rev. Fr. Comisário-Prefecto of the missions in the south, Fr. Narciso Durán, a man of learning and virtue, and with an experience of forty years in this diocese, has seen the instructions of the Supreme Pontiff, and for that reason he dares do nothing without my express permission. He does well because, otherwise, he would expose himself to act without jurisdiction. Perhaps our Lord may grant us some new missions,[25] then I shall myself encourage and supplicate you to go and exercise there your vice-prefecture." [26]

It appears rather strange that the Bishop, when stopping at Zacatecas, did not inform the Fr. Guardian and the Fr. Comisário-Prefecto that no vice-comisário was wanted or needed in California. Fr. González Rúbio had since then

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[23] Fr. Sória; but the Bishop must have shown his instructions at Guadalupe while there in 1841.

[24] That is to say, the exercise of jurisdiction in the mission churches, which the Bishop assumed were no longer Indian missions independent of the Ordinary.

[25] In California, among the savages to the east and north.

[26] "Quiza N. S. nos concederá mas nuevas fundaciones ó conversiones, y entonces yo mismo te alentaré y suplicaré que vayas á ejercer allí tu vice-prefectura." "Libro Borrador." Hence the Bishop concedes that Fr. Quíjas, as vice-comisário, really possessed the Apostolic faculties which he might exercise independently of the Ordinary, even within the diocese, but only in new missions among savages, because, as he claimed, such jurisdiction over the present missions had been nullified by the appointment of a Bishop! Fr. Quíjas held that his faculties continued until the Bishop formally accepted the mission churches by substituting secular priests. That was the contention.

been appointed vice-comisário, but resigned the office on the ground that he thought it incompatible with his duties as secretary of the Bishop; yet, neither Bishop García Diego nor Fr. Rúbio, until Fr. Quíjas had been appointed, intimated that a successor would be superfluous. It was then that the Bishop notified Fr. Comisário Sória that the appointment of a vice-comisário was useless, because such a Father could not make use of any faculties that were not granted by the Diocesan; that such a vice-comisário could not, for instance, make a canonical visitation of the churches in his district, because that was a right pertaining to the Bishop; he could not meddle with the administration of the Sacraments, matrimonial dispensations, absolution from reserved cases, nor with anything that concerned jurisdiction.[27] This letter, and another of similar import of the same date, addressed to Fr. Quíjas, were signed and sealed, but not sent to their destination. Instead, the Bishop, four days later, December 19th, directed to Fr. Quíjas the letter quoted before, and marked it "confidential."

Whether the "confidential" note was delayed on the road, or whatever the cause, no reply came from Fr. Quíjas until March 4th, 1844. Therein he commented at some length, sentence by sentence, on the Bishop's letter. He claimed that the faculties, which the comisários-prefectos and the vice-comisários delegated by them had received from the Apostolic See for their Indian missions, did not cease when a Bishop was appointed over the district, but only when said Bishop formally accepted said missions and placed secular priests there. This had, thus far, not been done in the missions subject to the College of Guadalupe and the Fr. Comisário-Prefecto. At all events, he had been appointed by the Fr. Comisário-Prefecto, who certainly knew his powers; he could not, therefore, in virtue of a mere confidential letter disobey the *patente* or order to exercise the office of vice-comisário; but, since the Bishop would regard him as insubordinate to episcopal authority, if he obeyed the Fr. Comisário-Prefecto; and, on the other hand, Fr. Sória would consider it a denial

[27] "Libro Borrador."

of his right to delegate a friar, if he submitted to the mere confidential letter of the Bishop, therefore he would proceed to Guadalupe and lay the matter before the Fr. Comisário-Prefecto in person.[28]

Fr. Narciso Durán, the comisário-prefecto of the Fernandino Franciscans, from the start seems to have taken a different view of the question, or he waived his rights to please the Bishop, as Fr. Quíjas puts it. At all events, three months after Bishop Diego's arrival at Santa Barbara, April 26th, 1842, Fr. Durán, instructing the friars under his jurisdiction on the faculties issued by the Bishop, wrote: "Whenever the Bishop appears to make the canonical visitation of the churches in our missions, you will in each one of them receive him as the Ritual commands with all the solemnity possible, and on your part you will regard and obey him as the only Superior and Prelate of them all." [29]

Thus far the attitude of Fr. Quíjas appears correct enough; but now he did a foolish thing. He issued the following circular to his friars, who at this time numbered only six, not counting Fr. Rúbio, the Bishop's secretary, and Fr. Francisco Sánchez, then at the seminary of Santa Inés: "Very Rev. Fathers and Missionaries in the Missions [30] of Alta California belonging to the Apostolic College of the Propaga-

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[28] "Sta. Barb. Arch."

[29] "que siempre que el Ilmo. Sr. Obispo se presente á visitar las iglesias de nuestras misiones lo reciban como manda el Ritual con la solemnidad que sea posible en cada una de ellas, y que por parte de VV. sea considerado y obedecido como único Superior Prelado de todas ellas." Fr. Durán, "Circular," April 26th, 1842. "Sta. Barb. Arch."

[30] "Misiones, Reducciones, Conversiones, Fundaciones," all signified missions strictly speaking, i. e., not yet surrendered to the secular clergy and accepted by the Bishop. The priests in charge were accordingly styled "Misioneros." Sometimes the term "Doctrinas" was used in the same sense as "Misiones"; but "Doctrina" or "Doctrinas" was a term usually applied to Indian missions which had been turned over to the Bishop. The priests in charge were known as "Doctrineros," whether secular or regular, as the religious might consent to act as curates. This, apparently, was the case with the Fernandinos, but not so with the Zacatecanos.

tion of Faith of our Lady of Guadalupe, Zacatecas.—As my departure for our beloved College is very near, and knowing that the Rt. Rev. Bishop is about to come up to these missions in the north for the purpose of holding the visitation announced in a circular which I saw yesterday, I herewith command Your Reverences not to present the parish books, unless His Lordship places curates in any or some of the churches.[31] In that case, you will present the books and draw up inventories of the churches and dwellings, and you will reserve a copy thereof for the College. Monterey, April 20th, 1844. Fr. Lorenzo Quíjas, Vice-Comisário." [32]

According to custom, the circular was to be copied into the *Libro de Patentes*.[33] Nevertheless, whether the respective friars judged that Fr. Quíjas had overstepped his authority, or Fr. Antonio Ánzar, the presidente and now Superior of the Zacatecans, instructed them to submit to the demands of the Bishop, the latter encountered no objection whatever to an inspection of the books. When, on reaching Mission San Antonio, May 19th, 1844, Bishop Diego saw the unfortunate entry, he felt highly incensed. Indignantly he subjoined the remark that the circular was scandalous, baseless and of no value, having no foundation, was contrary to the laws and regulations, and injurious to the episcopal authority." [34] From Monterey, moreover, the Bishop, on May 26th, addressed a long communication to the Fr. Guardian and the Discretos of the College of Guadalupe. Therein he mentioned his confidential letter to Fr. Quíjas, the latter's reply of March 4th, which had not been received until May 4th, when Fr. Quíjas must already have been near Mazatlán on his way to Guadalupe, and lastly the offensive circular. He also included a copy of his *Notas* in twenty-three paragraphs on Fr. Quíjas's

[31] "En esta virtud mando á Vs. Rs. que no presenten los libros Paroquiales, á no ser que S. S. I. ponga en alguna ó algunas de estas iglesias Curas Doctrineros ó Colados."

[32] "Sta. Barb. Arch."

[33] We have found the circular copied in the "Libros de Patentes" of San Antonio only.

[34] "Libro de Patentes," Mission San Antonio.

letter of March 4th, and closed with the demand that Fr. Quíjas must not return to California, which demand the College, of course, would have respected.

Not content with this, His Lordship in return made a move which, to say the least, was unwise and scarcely dignified. It was also quite unnecessary, since, under such circumstances, Fr. Quíjas would certainly not want to return, nor would the College disregard the Bishop's wishes. In a letter of June 12th, 1844, Bishop Diego informed Governor Micheltorena that he had given orders that no one should let Fr. Quíjas have the vestments for celebrating holy Mass in any of the churches; that said Father would not be permitted to perform any act of jurisdiction in the diocese, and that the governor would please prevent him from entering any port of California in case he returned.[35]

In order to comprehend the dispute between Bishop García Diego and Fr. Vice-Comisário-Prefecto Lorenzo Quíjas, it will be necessary to bear in mind that, in the Spanish dominions, the messengers of the Gospel among the Indians exercised their ministry in virtue of the authority received directly from the Holy See through their higher Superiors, the Commissaries-General, who in Mexico were represented by the Commissaries-Prefect. Their powers or faculties are minutely described and enumerated in the Bull which Pope Leo X., on April 25th, 1521, granted to Fathers Juan Glapion and Francisco de los Angeles, better known as Quiñones, who later became Superior-General of the Franciscan Order. In virtue of this Bull, the so-called Twelve Apostles of Mexico,[36] who entered that country in 1524, preached to the natives, administered the Sacraments, and exercised authority.

In substance, the Papal Bull granted that said Franciscan

[35] "Libro Borrador." In this letter the Bishop gives a reason other than the one he insisted upon in the confidential note to Fr. Quíjas. The circular is not mentioned. It would seem that the Bishop objected to Fr. Quíjas personally rather than to a prefecto. His claim, then, of being absolutely candid with Fr. Quíjas appears weak.

[36] Fr. Martin de Valencia with eleven Franciscans. See vol. i, 12-13.

friars in the Indian missions of America might freely preach, baptize, hear confessions, absolve from every excommunication, bless marriages and settle all matrimonial cases, administer the Sacraments of Holy Eucharist and Extreme Unction, independent of any ecclesiastic or secular, Bishop, Archbishop, Patriarch, or any other person of any dignity whatsoever. Likewise the said Franciscan friars were empowered, in districts where no Bishop existed, to consecrate altars and chalices, reconsecrate churches, provide them with priests, and impart the indulgences which the Bishops usually granted to their diocesans. Also, they might, in districts not having a Bishop, administer the Sacrament of Confirmation, and even bestow the Tonsure and Minor Orders. They might, furthermore, use the Holy Oils until they were three years old, if in their territory fresh Oils blessed by the Bishop could not be procured without great difficulty.[37]

In this Bull, Pope Leo X. restricted the exercise of the extraordinary faculties bestowed upon the Mendicant Friars laboring among the aborigines to territories where there were no Bishops, but Pope Adrian VI., by the Bull of May 10th, 1522, extended privileges to friars in charge of Indian missions within the limits of a diocese, though not within two days' journey, twice ten leagues, of the Bishop's residence.[38] Realizing that cases might arise which demanded speedy settlement, at the request of Fr. Commissary Vincent Lunel, of the Order of Friars Minor, Pope Paul III., by the Bull of

[37] See Appendix F for the Latin text of the Bull.

[38] "Ut praefati Praelati fratrum, et alii, quibus ipsi de fratribus suis in dictis Indiis commorantibus duxerint, committendum, in partibus, in quibus nondum fuerint Episcopatus creati, vel si fuerint, tamen infra duarum dietarium spatium ipsi, vel Officiales eorum inveniri minime possint, ac super Indos ad fidem Christi conversos, quam et alios Christicolas ad dictum opus eosdem comitantes omnimodam authoritatem Nostram in utroque foro habeant tantam quantam ipsi, et per eos deputati de fratribus suis judicaverint opportunam et expedientem pro conversione dictorum Indorum, et manutentione ac profectum illorum, et aliorum praefatorum in fide Catholica, et obediencia Sanctae Romanae Ecclesiae." See Bull of Adrian VI. in Mendieta, "Hist. Eccles. Indiana," 192-196. Edition, Mexico, 1870; Gonzaga, "De Orig. Seraph.," tom. ii, 1225-1226.

February 15th, 1535, empowered the friars to exercise their extraordinary faculties even within the sixty mile limit, provided the respective Bishop gave his consent.[39] As to the ordinary faculties, the friars enjoyed them in the Indian missions independent of Bishops until their neophytes were considered sufficiently advanced and confirmed in the Faith to be surrendered to the Bishop, who then would substitute secular priests to take the places of the missionaries. With that the privileges of the missionary friars ceased, and said friars then could exercise no faculties save with the consent of the Bishop.[40] Of course, not each and all missionary friars possessed all the powers granted by the Papal Bulls, but only the Superiors. The latter might delegate them entirely or partially to the friars under their jurisdiction. Thus in California, for instance, Fr. Junípero Serra, at his time, Fr. Lasuén later, etc., had been empowered to administer Confirmation. This will suffice to understand the conflict between Bishop Diego and Fr. Quíjas. We may now proceed with the general subject.

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[39] "Nos . . . hujusmodi supplicationibus inclinati, Litteras Adriani, Praedecessoris hujusmodi, cum omnibus et singulis in eis contentis clausulis, ad dicta loca in quibus Episcopatus sunt erecti vel erigentur in futurum (ita quod ipsorum Episcoporum ad praemissa accedat assensus) extendimus et ampliamus." See for Latin text of this Bull, Mendieta, "Hist. Eccles. Indiana," cap. vii, 195-196.

[40] Fr. Parras, "Gobierno de Los Regulares," tom. ii, cap. xvi.

## CHAPTER VII.

Indians Grow Discontented.—Vallejo's Wild Language.—Indians Turn Horse-Thieves.—Troubles in the South.—Indian Depredations.—The Channel Indians.—Horse-Stealing in Santa Clara Valley.—Ambrosio.—Castro's Threats.—Disaster on the Rio San Estanislao.—Indians in the North.—Salvador Vallejo's Cruelties.—In the Sacramento Valley.—Pico's Contract with Indian Fighters.—Indians Using Their Wits.—President Taft's Opinion.—Wilkes's Observations.—The Californians.—Cause of the Troubles.—Epidemics.—Smallpox.—Its Consequences.—Fr. Durán's Last Report.

THE confiscation of the missions, and the subsequent gradual destruction of these asylums of peace, Religion and incipient Indian civilization had consequences which those guilty of the crime scarcely anticipated, although such disastrous results might have been foreseen, and in reality, had been predicted by all lovers of law and order. Under the tutelage of the zealous friars, the Indians uniformly conducted themselves in a peaceful manner. Disorders would occur, but they could, as a rule, be traced to white machinations, as in the case of the uprising on the Santa Barbara Channel in 1824. Indeed, the patience of the convert Indians under the gravest provocation was so remarkable that it called forth comment. "What is most astonishing," Robinson exclaims,[1] "is, why the Indian does not take example from his Mexican brethren, and like them, kill and plunder. Thanks to the worthy missionaries, who have taught him and made him superior to those of higher pretensions to civilization!"

The appearance of Echeandía and other anti-religious freethinkers brought on a great change in both the Indians and young Californians. With their insincere and foolish talk about universal liberty and equality, emphasized by their contempt for Religion and morals, they not only poisoned

[1] "Life in California," 160.

the growing generation of paisanos, and produced such mock heroes and unscrupulous would-be statesmen as Pio Pico, Juan Bandini, Alvarado, Mariano Vallejo, José Castro, etc., but made the unsophisticated neophytes restless so that the viciously inclined would run away from the mission shelter under the impression that the liberty dinned into their willing ears implied deliverance from every kind of work and restraint.

Of course, the heralds of bogus-liberty, like their "liberal" prototypes in other Latin countries, besides exercising their crude and borrowed notions against the helpless missionaries, desired only personal profit in one form or another. Any charge, therefore, and any means, that would contribute towards driving the faithful Fathers from the guardianship of the neophytes and from the management of the coveted Indian property, seemed to them justified. "Thanks be to God," Mariano Vallejo, for example, wrote to Figueroa on October 3rd, 1833, "that the missions or their owners begin to enter into the enjoyment of their civil rights. The tyrants (missionaries) will now see the difference between being free and being slaves or little more. I have deeply rejoiced in my heart at the liberty of those poor Indians who are freed from the claws of the missionaries. Their (missionaries) source of laborers and dollars, though rather late, will now dry up."[2] Such wild sentiments expressed by the men in power were bound to have evil effects. The conspirators succeeded; the missions became their booty; but now the demoralized Indians began to put into practice what they had learned from the enemies of their spiritual guides. Religion had restrained them heretofore. Deprived of its salutary influence the passions were given full control. "All happened

[2] "Gracias á Dios! que empiesan las misiones ó sus dueños á entrar en el goce de sus derechos civiles. Ya verán los tiranos (misioneros) la diferencia que hay de ser libres á ser esclavos ó algo mas. Mucho he celebrado en mi corazon la libertad de esos pobres hombres, librandolos de las garras de los misioneros se les acabará á estos aunque tarde el manantial de gente y de pesos, etc." "Cal. Arch.," Mis. & Colon. ii, 513-516.

exactly as might have been anticipated." [3] "The Indians," Pio Pico complained to his fellow conspirator Mariano Vallejo as early as April, 1836, "the Indians who formerly were so satisfied with their lot, and who labored with such pleasure, have become wicked. Instead of taking care of the cows they kill them, and sell the hide and the tallow." [4]

No sooner had the missions been confiscated than most of the neophytes scattered in all directions. Many of them joined the savages of the deserts or mountains and began the depredations which caused much uneasiness in various parts of the territory. "In the spring of 1836, complaints were frequent and loud that the Indians were committing ravages, and that the soldiers of San Diego, for lack of arms, supplies, and pay, could afford no protection. In January, J. M. Marron was attacked at the rancho of Cueros de Venado, but several of the attacking party were killed by Christian Indians. The citizens made several expeditions, in one of which seven Indians were killed. Early in March, Captain Portilla made a fruitless raid, and on his return, his brother, Don Silvestre, proposed to conquer the Indians at his own expense, if allowed to keep prisoners as servants. This was approved by the ayuntamiento, on the ground that the Indians were outlaws; but the result is not known.

"A year later, in April or May, 1837, the Indians made a raid on the frontier ranchos, burning buildings and driving off live-stock. At the Jamúl Rancho the majordomo, Leiva, and three others, servants on the place, were killed, and Leiva's two grown-up daughters were carried away into captivity, from which they were never recovered. A force from the frontier, under Alférez Macedónio González, pursued the foe into the sierra, but was defeated at a place called the Matadéro, and forced to retire with many wounded. The inhabitants of San Diego were in great terror. Juan Bandini, whose rancho of Tecate was one of those plundered, was recalled from his political and military achievements at Los Angeles; and the revolutionary army, raised to operate against

[3] Bancroft, iv, 49.

[4] Pico to Vallejo, April 16th, 1836. Vallejo, "Documentos" iii, 192.

Alvarado, marched against the savage foe. In a campaign of ten days, they are said to have killed several Indians, all they could find." [5]

On July 6th, 1837, Santiágo Argüello reported to the comandante of the San Diego presidio: "The administrator of San Diego Mission informs me that last night, during the second watch, hostile Indians fell upon San Bernardo rancho, killed the corporal, the cheesemaker, and a shepherd, and wounded the son of the puppet-showman." [6]

"It was probably in 1837, during the general alarm arising from the massacre at Jamúl, that a plot was revealed to attack the town (San Diego) and kill the inhabitants. Indian servants were to cooperate with the attacking party by opening the houses of their employers on a given night; but one of them divulged the plot, and three or four of the dozen servants arrested were immediately shot by order of Alférez González.[7]

"The Indian horsethieves ventured as far as Mission San Fernando where six armed savages drove away one hundred horses. Six cowboys went in pursuit and killed two of the hostile Indians, but as three of the cowboys were wounded they retreated. On the way assistance came up, whereupon they hastened to overtake the thieves, but encountered another gang of Indian horsethieves. A fight ensued resulting in the capture of the horses and the flight of the savages, who still managed to take along as many as sixty animals belonging to white settlers.[8]

"Notwithstanding the fragmentary nature of the records, it is evident that in all these years the frontier ranchos were continually ravaged by Indians, and that there was no security for either life or property. The condition of this more than any other part of California resembled that of the Apache frontier in Sonora and Chihuahua, though the loss of life was much less. The marauders were the gentile tribes of the

[5] Bancroft, iv, 67-68.

[6] Hayes, "Mission Book," i, 322. Bancroft Collection.

[7] Bancroft, iv. 69.

[8] "Cal. Arch.," Dep. St. Pap., Angeles ii, 414.

mountains, reenforced by renegade neophytes,[9] allied with more distant Colorado tribes, and having always a secret understanding with Indian servants on the ranchos. Fortunately, of the five or six chieftains who commanded the tribes of that region, one or two were generally allied with the gente de razon and rendered valuable aid." [10]

In another district, the Indians contented themselves with driving away horses and cattle as hunger or fancy would dictate; for, as early as 1818, Fr. Mariano Payéras reported that the Tulare Indians, for instance, killed the horses for food. The flesh of the animal was found to be quite as toothsome as that of the cattle. We need not wonder, therefore, that Felipe Lugo, justice of the peace at Los Angeles, on March 16th, 1840, notified the constables and ranchmen that large droves of horses had been robbed between San Buenaventura and San Gabriel; that men had gone in pursuit of the thieving Indians on the preceding day; that the force was not strong enough; that more men were called out; and that he threatened to fine for twenty dollars any one that should refuse to join the pursuing party.[11]

Three days later, Ignácio Palomáres from San Bernardino informed Lugo that, with eight out of the twenty-three men who composed the expedition, he had attacked the Chaguanosos with the result that two of his men, one Indian and one white man, had been killed and a third wounded, but that the horses were not recovered because his force was too small.[12] Again, it was reported that from May 19th to June 9th, 1840, expeditions had gone in search of the robbers and

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[9] One of the reasons why the old Fathers wanted the runaways brought back by soldiers was that the renegades would otherwise combine with the savages and be a menace to the missions and colonies. From the time of Echeandía, out of spite to the friars, this precautionary measure was refused.

[10] Bancroft, iv. 70.

[11] "Cal. Arch.," Dep. St. Pap., Angeles iv, 410-411.

[12] "Cal. Arch.," Dep. St. Pap., Angeles iv, 431-432.

their booty, but that of the one thousand horses taken from various owners only a few were recovered.[13]

Along the Santa Barbara Channel such depredations were not frequent, yet on April 26th, 1840, Antonio Olivéra of Santa Barbara found it advisable to warn the administrators of San Buenaventura and San Fernando, in view of the fact that the Chaguanosos had driven away one thousand horses belonging to San Luis Obispo.[14] On May 18th, the same Olivéra asked the justice of the peace at Los Angeles to arrest two Indian horsethieves who had escaped in that direction.[15]

Far more desperate was the situation in the Santa Clara Valley as far down as Mission San Juan Bautista immediately after the confiscation of the missions. On August 21st, 1836, for instance, José Manuel Pinto, Sebastian Peralta, José Mesa, and José Felíz, who styled themselves police judges of San José,[16] bitterly complained of the ever increasing horse stealing committed by runaway mission Indians. The animals were usually driven off to the Tulares and sold to gentiles and white adventurers. The culprits especially named were Mateo of Mission Santa Clara and Estanislao of Mission San José. The latter had raised a band of renegade and gentile Indians. With them he overran the settlements, drove away the live-stock, and caused the death of six colonists. The complainants demanded that the government should be asked to punish the guilty parties, "otherwise the rest of the evil-doers will never be terrified, and the interests of the citizens will never be secure." [17]

"In 1838, Ambrosio, a Moquelumne chief in the neighborhood of San José, succeeded in gathering a force of forty or more dissatisfied Indians. An expedition of twenty-five men

[13] "Cal. Arch.," Dep. St. Pap., Angeles iv, 465-469; 492-498.

[14] "Cal. Arch.," Dep. St. Pap., Angeles iv, 316-318. Manuel Jimeno to the Juez del Paz, First District, May 9th, 1840. "Cal. Arch.," Dep. St. Pap., Monterey iv, 21.

[15] "Cal. Arch.," Dep. St. Pap., Angeles iv, 400-401.

[16] "Los Jueces de Policia de este Pueblo" (San José Guadalupe).

[17] "Cal. Arch.," Dep. St. Pap. iv, 299-301.

marched against him. After a fight, in which one white man was killed and seven were wounded, the Indians were defeated and Ambrosio was captured. He was taken before José de Vallejo, the administrator of unsavory repute at Mission San José, who satisfied himself that Ambrosio was the ringleader, and then had him shot, after Fr. González Rúbio had prepared the prisoner for death.[18]

By May, 1839, the prospects for rest from Indian depredations in the Santa Clara Valley must have been discouraging, as may be inferred from a note which the doughty José Castro, prefect of the first district, despatched to the alcalde of San José. "The damages, which the department is suffering from the continual and excessive thefts committed by both the heathen Indians and the rebelling neophytes from the missions, have become so intolerable that the departmental government, desirous of putting an end to the evil, which if it be not stopped will result in the total ruin of several families that have established themselves in the unprotected ranchos, has given orders that on the first day of next month I should place myself at the head of an expedition for the purpose of inflicting exemplary punishment on that pernicious canaille, and that I should direct my military operations against them." Castro, furthermore, tells the alcalde to notify the citizens to be ready, as he must have twenty of the best men under Captain Antonio Buelna.[19]

Instead of placing himself at the head, José Castro ordered Captain Santiago Estráda to lead an expedition against the horsethieves, "with no other results," as the same Castro, July 7th, reported to Manuel Jiméno, "than that of instilling into the hostile Indians an excessive fear which made them retreat to the other side of the sierra." [20]

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[18] José Vallejo, "Informe," August 16th, 1838. "Cal. Arch.," St. Pap., Missions x, 218-219. "Murió Ambrosio auxiliado," i. e. assisted by Fr. González Rúbio.

[19] Castro to alcalde, May 4th, 1839. "Cal. Arch.," Dep. St. Pap., San José v, 127-129.

[20] "Cal. Arch.," Dep. St. Pap., Benicia, Pref. iii, 17-21. Estráda to Alvarado, July 30th, 1839. "Cal. Arch.," St. Pap., Missions ix, 60-61.

In December, 1839, an expedition of nine soldiers and six ranchmen, under the command of Ensign Juan Prado Mesa, marched against the Tulare Indians in the San Joaquín Valley for the purpose of punishing horsethieves and recovering live-stock; but they soon discovered that the Indians were more formidable than had been anticipated. In a fight on the Rio de San Estanislao, Mesa and six men were wounded and three were killed. All might have lost their lives had not a second expedition consisting of twenty-seven whites and a force of fifty friendly Indians come to their relief.[21]

"This disaster caused much excitement and alarm. The Indians became bolder than ever, though early in 1840 a successful warfare seems to have been waged against them in different directions. Subsequently, a regular patrol was established between San José and San Juan Bautista for the protection of the ranchos. The records are vague and fragmentary; but the indications are that depredations continued unabated throughout 1840." [22]

"Turning to the northern frontier, we find that, though more numerous and warlike, the Indians north of San Francisco Bay were kept in check by a comparatively strong military force at Sonoma under Mariano Vallejo. His wealth, his untrammelled power, and other circumstances contributed much to his success, and he could by no means have done as well if placed in command at San Diego. Closely allied with Solano, the Suisun chieftain, having always at his disposal a goodly number of soldiers and citizens, he made treaties with the gentile tribes, insisted on their being liberally and justly treated when at peace, and punished them severely for any manifestation of hostility. Doubtless, the Indians were wronged often enough in individual cases by Vallejo's subordinates; some of whom, and notably his brother Salvadór, were with difficulty controlled." [23]

This Salvadór Vallejo is accused of various wrong-doings

[21] "Cal. Arch.," St. Pap., Missions x, 471-472; Dep. St. Pap., Monterey iv, 72-73; Dep. Rec. x, 75; xi, 69-70; Dep. St. Pap. iv, 725-726.

[22] Bancroft, iv, 76.

[23] Bancroft, iv, 70-71.

against the Indians, the reports of which may have further incensed the natives in other parts of California. One episode stands out somewhat prominently, but the versions are conflicting. On March 5th, 1843, Salvadór set out from Sonoma with seventy Californians and two hundred Indian allies for the ostensible purpose of chastising several savage tribes which were said to have plotted against colonists. In the vicinity of Clear Lake, a body of Indians were encountered who refused to give up their weapons. A party of Salvadór's command attacked the savages at eight o'clock in the evening of March 12th, and, by eleven o'clock, had massacred one hundred and seventy of the natives. No loss is reported on the part of Vallejo, which would seem to give color to the charge that the Indians had been tricked to lay down their arms and then were put to death in cold blood, or that, as one report has it, the victims were not fighting men. A negro deserter was simply proclaimed a foe to Mexico, and shot in the back. "Juan Bojorges, one of Vallejo's party, gives many details of the raid, and says its object, from the first, was to obtain Indian laborers and servants, of whom a large number were obtained from another rancheria. An investigation was ordered, but the result is not known." Details as described by Hittell are so harrowing that we are loathe to reproduce them, especially for the reason that they rest on the testimony of only one witness, though there is much in the character of said Salvadór that makes the description quite probable. Both, Bancroft and Hittell, speak of the affair as the Clear Lake Massacre.[24]

The Moquelumnes and other tribes in the Sacramento Valley, assisted by runaway Christians, proved very troublesome throughout the period following the confiscation of the missions. "In August 1838," to give an instance, "fifty Indian horsethieves crossed the Sacramento and appeared at Soscol with a band of tame horses, their aim being to stampede the horses at Sonoma. Thirty-four were killed in a battle with

[24] Bancroft, iv, 362-363; Hittell, ii, 387-388.

Vallejo's men, and the rest surrendered, the chief of the robbers named Cumuchí being shot at Sonoma for his crimes." [25]

One of the first acts of Pico as governor was a remarkable contract entered into at Los Angeles on February 27th, 1845, with the Americans John Marsh and John Gantt, who had accompanied Micheltorena and Sutter from Monterey to San Fernando. Captain Gantt and Dr. Marsh, in writing, agreed to undertake an expedition against Indian thieves and for the protection of California rancheros. In compensation for their services, they were to receive five hundred cattle and one-half of all the live-stock they might recover; but any one who had been robbed was to have the right to all his own recovered property. What the result of this promised raid was, is not known.[26]

In April, 1845, Sutter wrote from New Helvetia on the Sacramento River that about four hundred Indians of Calaveras had attacked the ranch of William Gulnac on the San Joaquín River, killed Thomas Lindsay, burned his house, and stolen his cattle as well as those of Gulnac; that, immediately after the murder and robbery, they had slaughtered a portion of the cattle and held a great feast; that he had despatched a force against them with the result that twenty hostile Indians were killed; that the Indians had fought like demons, killed Juan Baca, and wounded several others. Soon afterwards, Castro issued a circular to the effect that within a few weeks he would himself march against the Indians. Pico followed with a proclamation, requiring rancheros between San Diego and Santa Barbara to furnish men and horses for the service. Thus an extensive Indian hunt was to be inaugurated. Nothing came of it all, save that these preparations had a healthy effect on the savages.[27]

It would seem from all this that the Indians had begun to use their wits, and were paying the paisano oppressors in their own coin. Under the care and supervision of the missionaries, the neophytes knew they were laboring for the

[25] Bancroft, iv, 73.

[26] Hittell, ii, 388-389; Bancroft, iv, 516; 543.

[27] Hittell, ii, 389-390; Bancroft, iv, 516; 543.

good of the Indian community, since everything in and about the missions was regarded as community property which eventually would be turned over to the members of such community as soon as they proved capable of controlling the property without loss to themselves. The missionaries scrupulously held the property together and increased it for no other purpose. Hence it was that the Indians rested perfectly satisfied like children in the care of their parents until they should be of age. To turn over the property before that date, and to grant the Indians absolute independence, would infallibly result in damage to both the property and the Indians. Sane men, in those days as well as in our times, understood this very well. To illustrate, we may quote from an article of President Taft on the subject of giving independence to another aborigine people, but incomparably more advanced than the California Indians in the forepart of the nineteenth century or ever since. "The father who grants independence of parental control to his adolescent son, and permits him to squander his heritage before he has reached man's estate, is guilty of no greater folly and injustice to his offspring than would be the people of the United States were they to yield to the clamors of this immature people and grant to them an independence they know not how to exercise or to safeguard, and of which they would soon be robbed as surely as would be the youth to whom was intrusted the independent administration of his own fortune." [28]

In California, as we know, it was not the mission Indian who clamored for independence from missionary rule and for his share in the mission estates. The neophytes, save the prodigals among them, were in no hurry whatever to obtain "freedom" and possession of the community property as long as their interests were guarded by such capable and honest managers; for "during the management of the Spanish priests, everything was judicially conducted. The Indians were well dressed, well fed, and happy." [29] On the removal of the dis-

[28] New York Tribune, March 1st, 1913, as per "America," New York, March 15th, 1913, p. 530, col. first.

[29] Captain Charles Wilkes, "Narrative," v, 184.

interested missionaries, and the accession of the selfish and arrogant comisionados, who were installed without the consent of the neophyte owners, the case took on an entirely different aspect. The neophytes were not so dull as not to perceive that they were made to work merely for the sake of keeping the paisano officials and henchmen in affluence.

"The Indians," says Wilkes, "had reason to believe, as had been impressed upon them by the Spanish padres, that they were interested in the progress and wealth that had been accumulated by their labor; and this belief had naturally tended to attach them to the soil; but the administradores have made themselves, and those by whom they were appointed, rich upon the spoils of these missions; and so great have been the drafts upon some of these missions, that they have not been able to support their neophytes. The Mission of San José, for instance, during the year of our visit, was obliged to order off five hundred of its proselytes to procure their subsistence as they best could. These acts seem to be committed without any kind of consideration, or idea that there is any injustice practiced. The property acquired by the mission is looked upon as belonging to the State. The claims of the Indians are entirely overlooked, and in the event of their taking cattle, that in truth belong to them, they are severely punished. This naturally irritates them; for not only can they perceive the injustice of others appropriating the fruits of their labor, but are exasperated by seeing them living upon the common stock, while they are obliged to seek a precarious subsistence in the forest.

"Many of them have joined the wild Indians, and are now committing acts of violence on the whites. They are becoming daily more daring, and have rendered a residence in single farm-houses or *estáncias* not without danger. In looking at the state in which these poor Indians have been left, it cannot be denied but that they have cause to be dissatisfied. In consequence of this state of things, depredations are continually committed by the Indians; and a month previous to the ar-

rival of the squadron,[30] they had driven off three hundred horses. Retaliatory measures on the part of the Californians were adopted. A party was collected and despatched to punish them which proceeded towards the interior, came to a village, and without any inquiry, whether the dwellers had been the aggressors, it was set on fire, and reduced to ashes. Some of the defenceless old men, who from infirmities could not escape, were put to death, and forty or fifty women and children carried off as prisoners. This was not all. The prisoners were apportioned as slaves to various families,[31] with whom they still remain in servitude, and receive very harsh treatment. Smarting under such wrongs, it is not surprising that the Indians should retaliate.

"The Indians, at present, rarely steal anything but horses; their reason is that with them they are able to avoid pursuit, which would not be the case if they took cattle. The Californians, on detecting and apprehending the aggressors, show them no mercy, and their lives are made the forfeit. This constant foray on one side or the other, keeps up a continual embitterment, and as long as the present imbecile government[32] lasts, this state of things must every day grow worse, and will undoubtedly tend to affect the value of property, as well as to prevent emigration to and settlement in the country.

(Yet) "the character of these Indians is not represented as savage, and they were little disposed to trouble the whites until they had been themselves ejected from the missions, and forced to consort with those who are yet in a wild state. If it were not for the presence of the English and Americans,

[30] United States Exploring Expedition consisting of the Vincennes, Porpoise, Flying Fish, and Oregon (Thomas Perkins) under the command of Captain Chas. Wilkes. The Vincennes had been despatched ahead and entered San Francisco Bay August 14th, 1841. Wilkes with the three other vessels anchored there on October 19th. Wilkes, "Narrative," v. 161.

[31] We do not know to which episode Wilkes refers, but that such Indians were in reality, if not in name, slaves, their treatment demonstrates.

[32] Alvarado's.

they would either drive the Spanish race [33] out of the country, or confine them to the narrow limits of their villages.

"Although the Californians are comparatively few in number, yet they have a distinctive character. Descended from the old Spaniards,[34] they are unfortunately found to have all their vices, without a proper share of their virtues. They are exceedingly fond of gambling. The men have no trades, and depend for everything upon the Indians at the missions, some of whom are quite ingenious, both as carpenters and blacksmiths. The whites are so indolent, and withal have so much pride, as to make them look upon manual labor as degrading; in truth, they regard all those who work as beneath them. They, in consequence, can never be induced to labor. An anecdote was related to me of one who had been known to dispense with his dinner, although the food was but a few yards off, because the Indian was not at hand to bring it to him." [35] Robinson, who lived for years in California and married a daughter of José de la Guerra, confirming Wilkes's statement writes: "This trait of character," (excessive indolence), "still exists among their descendants, and you might as well expect a sloth to leave a tree, that has one inch of bark left upon its trunk, as to expect a Californian to labor, whilst a *reál* glistens in his pocket!" [36]

We conclude the subject with a few remarks from Captain Wilkes which corroborate what has been related, and throw a side-light on the conditions in the territory at the time of his visit. "Fortunately for the country," he reports, "the padres and rulers of the missions were men well adapted for their calling: good managers, sincere Christians. They exerted a salutary influence over all in any way connected with

[33] All speaking Spanish, who by no means were all thoroughbred Spaniards. The paisanos are meant.

[34] partially, but in most things not to be compared with Spaniards. Wilkes is describing the paisanos.

[35] Wilkes, "Narrative," v, 173-187, passim.

[36] "Life in California," 150. Such indolence, together with gambling and extravagance, explains why the once rich paisano chiefs fell into abject poverty.

them, practicing at the same time the proper virtues of their calling in order more effectually to inculcate them upon others . . .[37] With a change of rulers, the country was deprived of the religious establishments upon which its society and good order were founded. Anarchy and confusion began to reign, and the want of authority was everywhere felt. Some of the missions were deserted; the property which had been amassed in them was dissipated, and the Indians turned off to seek their native wilds. . . .

"From the priests were thus removed all further responsibilities and duties, except those strictly clerical. This act brought about the ruin of the missions. The moral and religious usefulness of the priests had been destroyed before,[38] and now the property that was still left became the prey of the rapacity of the governor, the needy officers, and the administrators, who have well-nigh consumed all. The missions are no more what they once were, the pride of the padres, and the seat of the wealth and prosperity of the country. Moreover, this state of things has left the whole community destitute of any moral guide whatever,[39] and without any sort of religious observance, except by a few individuals past the middle age. Alvarado and General Vallejo have the reputation of being foremost in producing this state of things." [40]

The dispersion of the neophytes in consequence of the confiscation of their property, subsequent comisionado misrule, and harsh treatment, as described on preceding pages, give a partial explanation of the rapid decrease in the native population from 1834 to 1843, when the mission remnants were

[37] A few pages later Wilkes grows uncomplimentary and untruthful. He must have allowed his early Puritan conceptions to revive and dictate credence to vile assertions of some mission despoilers. Bancroft's Biographical Sketches (vols. ii-v), and Forbes (138-139), regarding the nineteen surviving Spanish friars of 1835, and the Zacatecans of the same year, refute the atrocious charges, if preceding pages fail to convince.

[38] Inasmuch as their authority over the Indians was nearly lost.

[39] In that the male paisanos, generally, and the emancipated neophytes did what they pleased.

[40] Wilkes, "Narrative," v. 173; 179-180.

restored to the care of the aged friars. Other forces, however, had also been at work and contributed to the all but annihilation of the Indians, we mean epidemics, especially the smallpox. Whether or not the ravages of this and other epidemical diseases ought to be charged to the confiscation of the missions, in that said act of brutal greed deprived the neophytes of medical and other care formerly received at the hands of the friars, the thoughtful reader may decide for himself.

As early as 1798, Governor Borica wrote that the smallpox, though raging in San Blas, had not spread to California notwithstanding that several ships had come from that Mexican port. He had taken precautionary measures, however, and in this was assisted by the missionaries, who at all the missions had established infirmaries, and personally looked after the wants of the afflicted, as we know from the official reports.[41]

The precautions observed by the government and missionaries seem to have prevented the introduction or spread of epidemics other than fevers and measles throughout the mission period, at least there is no record in the various archives that smallpox or cholera caused considerable loss of life before the year 1838. It was early in the same year that this disease, so deadly to the Indians, first appeared at Sonoma, as we learn from an official communication which Mariano Vallejo sent from there to the military commander of the territory on May 18th, 1838.[42] In two other notes of May 23rd, Vallejo says that "vaccination, dieting, and cleanliness are the only means of escaping that horrible contagion which has carried off, during the last few months, hundreds of human beings, especially among the natives. Impurity, the use of liquor, and very spicy dishes serve as fuel to the disease."[43] It is this epidemic, doubtless, to which Wilkes refers when he writes: "The ravages of the smallpox, two years prior to our visit, completed the destruction of these

[41] "Cal. Arch.," Prov. Rec. iv, 423-424; vi, 169-171; 177.

[42] Vallejo, "Documentos," iii, no. 32.

[43] "Cal. Arch.," Dep. St. Pap. iv, 453-454; Dep. St. Pap., Angeles xi, 476-477.

establishments; for it swept off one-half of the Indians, and served to dispirit the rest." [44]

Mofras, who visited California in 1841-1842, says that in 1834 twelve thousand Indians of the Tulare Valley fell victims to a disease which resembled cholera; and that in 1836 Sacramento Valley was visited by a contagious fever which carried off eight thousand Indians. Both valleys were inhabited by pagans, but many of the neophyte Indians had joined them after the confiscation of the missions. That explains how Mofras found a convert population of only 4450, or about one-fourth what it was in 1834.[45]

The sad effects of all this on the Indian population at the missions, the management of which the friars had been asked to resume, may be inferred from a report Fr. Durán made in obedience to a request from the Mexican Government dated August 31st, 1843, but not received till February 29th, 1844. The statement comprises only the establishments under his jurisdiction.[46] Let the reader compare it with the report of 1832.[47] The Fr. Prefecto replied laconically:

"*San Miguel Arcangel.*—It is to-day without live-stock, and the neophytes are demoralized and dispersed for want of a priest to care for them.

"*San Luis Obispo.*—It is in the same condition as the preceding.

"*La Purisima.*—After nine years of secularization, there remain neither property nor sowing-lands. It may still count on a moderate vineyard. It is in charge of the Rev. Fr. Juan Moreno, who is very ill, but who has an assistant in the person of a recently ordained priest, Rev. Miguel Gómez. The population may be about two hundred souls.

"*Santa Inés.*—It has been kept in tolerably good condition. Means to support the neophytes are not wanting. The

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[44] Wilkes, "Narrative," v, 184.

[45] Mofras, i, 320; ii, 334.

[46] If any report was made on the northern missions, we have failed to discover it.

[47] See vol. iii, Appendix J.

spiritual and temporal administration is in the hands of Fr. José Joaquín Jimeno. The number of neophytes is two hundred and sixty-four.

"*Santa Barbara.*—This mission has suffered much from secularization, and it maintains its neophytes with great difficulty. It is under the management, in spiritual and temporal matters, of the undersigned aided by Fr. Antonio Jimeno. The number of neophytes is two hundred and eighty-seven.

"*San Buenaventura.*—It is preserved in passable condition and has enough to support the Indians. The temporal administration of this mission is in the hands of Fr. Antonio Jimeno of Santa Barbara, but the spiritual affairs have been placed exclusively in charge of a recently ordained secular priest, the Rev. José Maria Rosáles.

"*San Fernando.*—This mission has scarcely any live-stock, but it has two vineyards. It is in charge of Fr. Blas Ordáz.

"*San Gabriel.*—The queen of all the missions before the secularization with regard to vineyards and live-stock, it has now nothing but some vineyards in a wretched condition. It is in charge of the Rev. Fr. Thomás Esténaga, who has an assistant in the person of a secular priest lately ordained, the Rev. Antonio M. Jiménez. The population may be about three hundred souls.

"*San Juan Capistrano.*—This mission is actually abandoned for want of a priest, and its neophytes are scattered and demoralized.

"*San Luis Rey.*—This mission, before the secularization, was the first after San Gabriel, but at present it possesses scarcely anything, and the Indians have all run away and are demoralized. It is in control of the Rev. Fr. José Maria Zalvidéa, who, on account of his years and infirmities, is in a state of dotage. The population may reach four hundred souls.

"*San Diego.*—This mission has always been a poor one which hardly ever had enough for the support of its Indians; but to-day it has nothing. Fr. Vicente Olíva is in charge of a population that may number one hundred souls.

"From all this," Fr. Durán closes his report, "it appears that three missions are entirely abandoned for want of missionaries and resources; that in this district there are only eight Fernandino friars, assisted by three secular priests; that only the missions of Santa Inés and San Buenaventura have moderate means of subsistence for the present; and that the other nine, already destroyed by secularization and the neophytes demoralized, are in a state of moral impossibility of ever raising their heads.

"Owing to the poor mailing facilities here, doubtless my circular has not reached the Fathers or their answer has not arrived. For this reason I give the actual number of neophytes at only four missions. For the others I estimate the number according to my knowledge.

"Although three missions are without priests, the Fathers of the nearest place afford the spiritual aids whenever they can to the dispersed neophytes and some ranches. Indeed, we all give the required spiritual aid to all ranches and presidios, to white people as well as to the Indians." [48] The situation in the northern missions was about the same, in some of them even worse, as the local account will disclose.

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[48] Fr. Durán, "Informe," March 18th, 1844. Pico, "Documentos," i, no. 14.

## CHAPTER VIII.

Revolt for the Overthrow of Micheltorena.—The Motives.—Micheltorena Marches Against the Rebels.—Pico Calls the Legislators to Los Angeles.—Pico Declared Temporary Governor.—Micheltorena Capitulates.—Resigns.—Micheltorena and Education.—The "Cholos."—The Spoils Divided among the Paisano Chiefs.—Bancroft and Jones on Pico.—The Bishop and Fr. Durán Congratulate Pico.—What California Owed to the Missions.—Laws Concerning the Missions.—Friars Once More in Charge.—Pico Hastens to Deprive the Friars of Their Charge.—His "Instructions."

IT might have been expected that the Alvarados, Picos, Castros, Ósios, etc., would not rest contented while a "foreigner" governed the country which they themselves wanted to control. Their dissatisfaction increased when Micheltorena, in obedience to a decree from the Supreme Government, removed their henchmen from the lucrative positions of mission administrators, restored the remnant of the Indian property to the conscientious management of the friars, and showed himself disposed to treat the clergy with respect and consideration. Although continually wrangling among themselves for position, they finally agreed to bury their differences and to rid the territory of the "Mexican," as they had done at three periods in the past.

According to Bancroft, three chief motives prompted the revolt of the paisano leaders—popular discontent and indignation at the presence and petty depredations of the *cholos* or convict soldiers, whom Micheltorena, unfortunately, had been compelled to take along from Mexico; personal ambition on the part of the prominent Californians to govern the country and handle its revenues; and finally, the old feeling against the Mexicans *de la otra banda,* that is to say, of Old Mexico. The conspirators, Alvarado, Manuel Castro, and Ósio, led by José Castro, who had "satisfied his scruples of

conscience, so far as such a man had any scruples."[1] as Bancroft remarks, collected about two hundred men, and camped in the hills of Santa Teresa, about a mile or two from the Laguna Seca.

Governor Micheltorena, having issued a proclamation, on November 18th, with about one hundred and fifty men and two or three pieces of artillery marched out from Monterey on November 22nd, 1844. Four or five days later he drew up at the Laguna Seca, ten or twelve miles south-east of San José. Instead of fighting, both parties agreed to come to an understanding. Micheltorena in his camp at Santa Teresa promised to dismiss the *cholos* to Mexico within three months.[2] Thereupon the rebels apparently disbanded, and the governor returned to Monterey, where on December 16th, he announced the result in a Proclamation.[3] Owing, however, to information received about the mysterious activity of the Castro and Alvarado clique,[4] the governor ordered Andrés

[1] Bancroft, iv, 456-464. Vallejo shrewdly kept aloof until he could see which would be the winning side, Bancroft remarks, iv, 465.

[2] Micheltorena, "Bando contra los Revoltosos," November 18th, 1844. "Cal. Arch.," Dep. St. Pap., Angeles x, 207-210. Copy of the Treaty of Santa Teresa, consisting of ten articles, and signed December 1st, 1844, by Juan B. Alvarado and José Castro for the revolters, and Manuel Micheltorena, Felix Valdéz, and Louis G. Maciel for the governor, in the Santa Barbara Mission Archives. See also "Cal. Arch.," Dep. St. Pap. v, 601-602; Bancroft, iv, 470; Hittell, ii, 346.

[3] Micheltorena, "Proclama," December 16th, 1844. Olvéra, "Documentos," 27-29, Bancroft Collection; Bancroft, iv, 471; Hittell, ii, 349.

[4] Fr. Mercado of Santa Clara was, on December 11th, 1844, under orders from José Castro, forcibly seized by José Pico, put on board a ship at San Francisco, and banished, because he was said to have privately warned the people not to side with the rebellious gang against the lawful governor. Pico "Acontecimientos," pp. 57-58; Vallejo, "Documentos," xii, 117. For particulars, see chapter xiii, this section. The paisano chiefs had on three previous occasions given evidence of their remarkable notions of loyalty. For them to talk of treachery was ludicrous.

Pico to arm the militia at Los Angeles, and then secretly, December 23rd, 1844, enlisted John A. Sutter, a wealthy, naturalized settler on the Rio Sacramento, to help him crush the rebels if they should again manifest hostility. This action, which somehow became known to the conspirators at San José and San Juan Bautista, convinced them that their machinations had been detected. Loudly accusing the governor of treachery, and without awaiting the end of the period within which Micheltorena was to rid the territory of the *cholos* and obtain fresh troops from Mexico,[5] Castro and Alvarado resumed hostile operations, but transferred their activity to the south.

The governor, thereupon, under date of January 4th, 1845, issued a proclamation in which he declared that "the comandancia general finds itself in the unavoidable necessity of using its powers against the ingrates who may remain with arms in their hands." Entrusting the defences of Monterey to Captain Juan J. Abella, Micheltorena, on January 6th, with about two hundred men marched out from Monterey to join Sutter's command. Both united in Salinas Valley three days after. The governor then had a force of about four hundred men, composed of Mexicans, American riflemen, and Indians. The rebel force, about one hundred strong, started from San José on January 2nd, 1845, and reached Los Angeles on the 21st. On January 13th Micheltorena's troops set out in pursuit, which, owing to the infirmity of the governor who followed in a coach, was very slow and wearisome.[6]

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[5] Micheltorena was entitled to protection; but it was asking too much to entrust himself to the "protection" of such as Alvarado, Castro, etc., whose fidelity to Victoria, Chico, and Gutiérrez could not reassure the governor. He must wait until new troops arrived. At all events, Micheltorena could employ Sutter with more reason than Alvarado had to accept the services of the foreign adventurer Graham. See page 60, this volume.

[6] Micheltorena to Castro, December 29th, 1844: "Para obtener la paz del departamento emplearé medios suaves; pero si hubiere necesidad, emplearé los enérgicos." "Cal. Arch.," Dep. St. Pap. v,

Meanwhile, Pio Pico, as senior assemblyman, called a meeting of the territorial legislature to Los Angeles. Only Francisco Figueroa and Narciso Botello, besides the substitute, Carlos Carrillo, appeared on January 28th, 1845. These with Pico formed the quorum. As Micheltorena refused to recognize the legality of the assembly, because he had not convoked it, Pico moved, and the four members, on February 14th, resolved, 1st, that Micheltorena's authority should be ignored; 2nd, that the offices of civil governor and military commander, formerly held by him, should be filled according to law;[7] that the assembly should continue its sessions at Los Angeles, and should take steps to make its authority respected; and 4th, that it should proceed to prepare formal accusations against Micheltorena before the Supreme Government. Next day, February 15th, Pio Pico, as senior member, was declared to be the legal temporary governor of California, an act which he announced in a proclamation of the same date. José Castro was later named military commander.[8]

The governor's forces and the rebels under José Castro, each body composed of about 400 men, came face to face at long range on February 20th near Mission San Fernando. "The Californians had two small cannon, the Mexicans three, including one brought from Sutter's New Helvetia. It was

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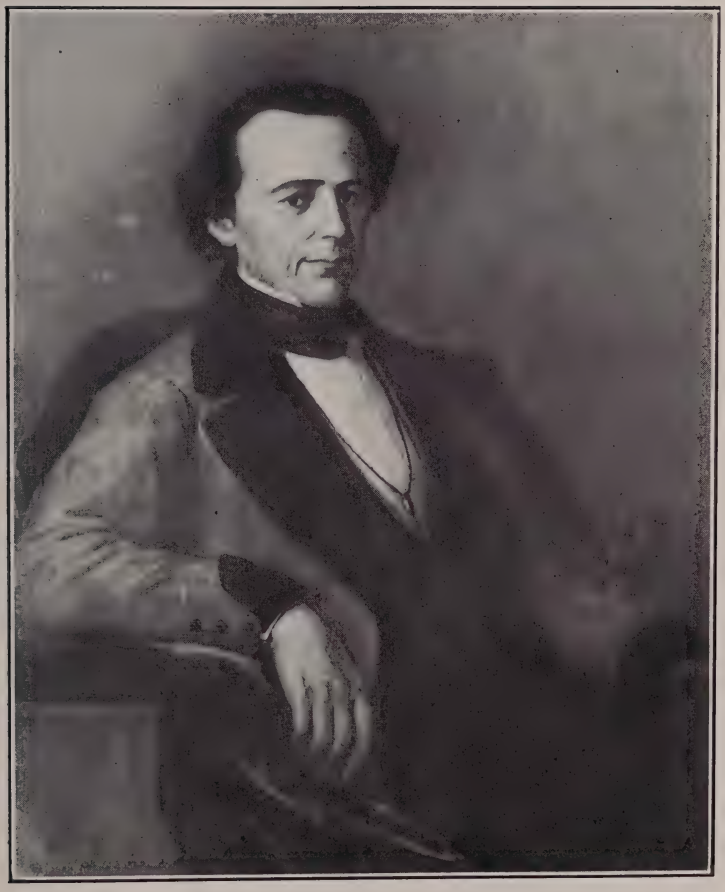
605-607; appointment of Abella, January 4th, 1845: "Cal. Arch.," Dep. St. Pap., Monterey iii, 287; Bancroft, iv, 474-490; Hittell, ii, 349-350.

[7] This law of May 6th, 1822, directed that in case of death, inefficiency, or absence, the senior vocal or member should act as governor. Of course this put the wily Pico in control of the government. Of Pico's speech at the opening session Vallejo ("Historia," iv, 444) says: "Ese discurso de apertura fue recibido con suma indiferencia por el pueblo, que con excepcion de los sendos disparatos gramaticales, que pululan en todas las lineas de ese escrito, nada halló que admirar." A little further on he calls it "ese insipido documento." Vallejo had not shared in the glory. That was the reason. These paisano chiefs were an harmonious crowd, truly! In accord only against the missions!

[8] "Cal. Arch.," Dep. St. Pap. vi, 19-36; Leg. Rec. iv, 111-114; Bancroft, iv, 495-499; Hittell, ii, 350-352.



GOVERNOR MANUEL MICHELTORENA.

probably noon before the firing began, and it was kept up all afternoon on both sides, Micheltorena's gunners using grape and firing over a hundred times, whilst the others fired fewer shots, using ball and in some cases perhaps small stones. The result was that a horse on the patriot side had his head blown off—some say two horses fell, while I am impelled by a spirit of historical fairness to record a rumor, not very well authenticated, that a mule on the side of the *cholos* was slightly injured. Not a drop of human blood was spilled on the battlefield of Cahuenga."[9] As usual, where Californians or Mexicans met in battle, everybody seemed afraid of suffering or inflicting harm, and therefore took the proper precaution to make as much noise as possible, but to let it go at that.

Just before nightfall, Micheltorena moved his forces eastward across the plain, striking the river at its bend, and following it down to the city of Los Angeles. A large part of the Californians withdrew through the Cahuenga Pass. Thus, when the sun rose on February 21st it found the two little armies again facing each other on the Verdugo rancho, about ten or twelve miles from the battlefield of the previous day. Micheltorena, before the "battle" commenced, had fewer than fifty of his foreign riflemen left. These were persuaded by representatives of an equal number of foreigners on the other side that it was neither their duty, nor to the interest of foreign residents, to fight for the purposes that divided the Californians and Mexicans. They accordingly agreed to let the opposing forces fight their own battle. After Sutter and the riflemen had failed him, the governor concluded that he could not defeat his enemies with the *cholos* alone. He therefore offered to surrender. The treaty, containing nine articles, was signed in his camp near Mission San Fernando on Saturday, February 22nd, 1845. The last article permitted "Micheltorena's division to march with all the honors of war, with music, flying colors, and three pieces of artillery, the flag to be saluted by Castro's drummers, but the guns

[9] Bancroft, iv, 503.

and appurtenances to be given up at San Pedro."[10] Pico, on March 8th, contracted with Captain John Paty of the American vessel *Don Quixote* for the transportation of Micheltorena and his two hundred *cholos* to Monterey, and thence to San Blas, for the sum of $9000.[11] At Monterey, the ex-governor was joined by his wife, Doña Josefa Fuentes. He finally sailed away towards the close of March, receiving a salute from the guns of the fort as the *Don Quixote* left the harbor.[12] On April 19th, he wrote to Bishop García from San Blas announcing his arrival there.[13] Subsequently he served under Santa Anna; and in 1850-1851 he appeared in the reports as comandante-general of Yucatan.[14]

The Californians gave as their chief excuse for expelling Micheltorena his refusal to rid the territory of his *cholo* battalion.[15] "The reader is aware," says Bancroft, "that this battalion was composed chiefly of criminals taken in large part from the jails of Mexico and Jalisco. Yet it must be admitted that the conduct of the *cholos* was wonderfully good when compared with what might be expected from their vicious antecedents, from the outrages committed by men of similar class in different parts of Mexico, from their destitute condition, *and from the bitterly prejudiced medium through which nearly all the testimony extant against them has come down to us.* There is a great unanimity of testimony from all sources that members of the battalion were, both at Los Angeles and Monterey, addicted to petty thefts of poultry and other edibles, as well as other miscellaneous articles that could be utilized in barracks; so much so as to

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[10] "Convenios Celebrados en el Campo de San Fernando, etc." "Sta. Barb. Arch.," "Cal. Arch.," Dep. St. Pap., Angeles xi, 699-701; Bancroft, iv, 501-510; 518; Hittell, ii, 353-354; 372.

[11] "Cal. Arch."; Dep. St. Pap. vi, 60-64. The charges later were $11,000. See Bancroft, iv, 512.

[12] Bancroft, iv, 512.

[13] "Escrituras Sueltas."

[14] Bancroft, iv, 514.

[15] Bancroft, iv, 496-497. "The general had no right as a Mexican officer to send his soldiers out of the country." Bancroft, iv, 367.

become an intolerable nuisance to all citizens whose houses, stores, or ranchos were within reach of the marauders. This is about the sum and substance of all that can be said against the *cholos;* and it is doubtful if any soldiers could be restrained by any discipline from such excesses when, as was true in this case, they were not paid, and very inadequately fed and clothed. In respect of gambling, intoxication, licentiousness, and proneness to disorderly conduct or murderous assaults, I find no clear evidence that Micheltorena's men were any better or much worse than others. The statements of Alvarado and other Californians, representing the stay of the *cholos* at Monterey as causing a reign of terror in which vice, robbery, outrage, and murder were rampant, *must be regarded as the exaggerations of men in search of a justification for later revolt.*

"Micheltorena must certainly be credited with having displayed much tact in the management of his undisciplined followers. Even those who grossly exaggerated the excesses of the latter generally admit that the general did his best to restrain them. He listened patiently to complaints; paid for all losses so long as he had any money, it being hinted that some thrifty housewives got pay for divers pots and kettles never lost, or which they had been glad to lose; and not only chided the offenders, but often had them arrested and flogged, always retaining, however, the friendship and respect of all, and thus a certain control over them which it would have been dangerous to lose. 'It is hard,' as he wrote to the Government, 'to shoot a hungry, unpaid soldier for pilfering food'; and there was moreover no little danger, if severe measures were resorted to, of transforming the convict battalion into an armed band of roving marauders, with the property and lives of the Californians largely at their mercy. The general had no right as a Mexican officer to send his soldiers out of the country, and to have done so would have been to involve himself in serious complications with his superiors; even had he been free from the apprehension, as he certainly was not, that without the support of an armed force his own authority *was likely enough to be disregarded by the Califor-*

*nians.* So much for the cholos and their conduct."[16] We may add that the documents contain no complaints from the missionaries against the governor's men; but we shall, ere long, as has been the case heretofore, find missionaries as well as others complaining bitterly about the conduct of the "soldiers" under the command of the paisano chiefs.

"Under ordinary circumstances,"[17] says Bancroft,[18] "by reason of his intelligence, experience, and tact in winning friends, he might have been a good ruler for California"; "but the chief merit of his administration was the great encouragement he gave to schools and education."[19] Agreeing with Hittell, Bancroft writes: "Micheltorena deserves credit for having given considerable attention to the subject of education, taking a deeper interest in the public schools than any of his predecessors except Solá and Figueroa. Not only did he aid the Bishop in the establishment of his ecclesiastical seminary at Santa Inés,[20] but the archives of 1844 contain many communications from his pen showing a lively interest in the primary schools, which he is also said to have visited often in person."[21]

On April 25th, 1844, for instance, Governor Micheltorena issued the following order to the *jueces* of Los Angeles, Santa Barbara, Monterey, San José, and San Francisco: "His Excellency, the Governor, desirous of promoting in the best manner the instruction of the young upon which depends public happiness, has ordained that by the first day of the coming month of July, in all the towns of the Department,

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[16] Bancroft, iv, 363-367. The italics are ours. See also Bancroft, iv, 418-420. In a nutshell, as it were, Bancroft, iv, 419, sums it all up correctly when he writes: "There is much to be said in praise of his policy in all branches of government, and very little to condemn."

[17] Where the turbulent, ambitious and covetous Pico and Alvarado clique was eliminated.

[18] "California," iv, 740.

[19] Hittell, ii, 340.

[20] See chapter iv, this section.

[21] Bancroft, iv, 402-403.

schools [22] shall be established in which children of both sexes shall be received." [23]

On May 1st, the governor issued his Reglamento or Regulations for the primary schools, which in ten articles clearly show what according to his ideas a public school ought to be. Article 2 reads: "In these schools the children shall be taught reading, writing, the four rules of arithmetic, and the Christian Doctrine. The girls, moreover, shall be taught plain and fancy sewing, embroidery, knitting, and drawn work."

These schools for children between six and eleven years of age were to be open from 8-11 in the morning and from 2-5 in the afternoon every day, "except Sundays, holydays of obligation, national holidays, the day of the respective school's patron saint, and the day of the patron saint of the town." Article 10 prescribed: "For the Patroness of these schools the Most Holy Virgin of Guadalupe shall be adopted, and her image shall be given an appropriate place in each school." [24]

Not content with this, Micheltorena, a week later, through his secretary, Manuel Jiméno, addressed the town council of Monterey on the same subject. Other pueblos may have received a similar encouragement. "To procure the civil and religious education of the young of both sexes," the governor argued, "is the first and most sacred duty of a government; for without the knowledge and observance of the holy Religion, which we fortunately profess, it is of Faith that there is no salvation, no life everlasting of joy and happiness, but

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[22] "Amigas" here not "female teachers," as Bancroft translates it, but schools.

[23] "El Exmo. Sr. Gobernador, deseando promover de la manera mejor la instruccion de la juventud de que depende la felicitad publica, ha dispuesta de que para el dia primero de proximo venidero Julio, se establescan amigas en todos los pueblos del Departamento, endonde recibirán niños de ambos sexos." "Cal. Arch.," Dep. Rec. xiii, 138; Dep. St. Pap., Angeles xii, 625-626.

[24] "Cal. Arch.," Dep. St. Pap., Angeles xii, 631-633.

there is one of torments and despair;[25] and, inasmuch as even in the transitory life on earth knowledge is honorable, is useful, is delightful, economical, it is advantageous to acquire it. A man who knows how to read, write, and cipher will not be in want of an employer; he will earn his support, and, in fine, he will not die of hunger. A woman who has the same knowledge, and knows how to sew, how to embroider, how to keep house, is sought, is appreciated, will have opportunities for suitable marriage, and will be able to enjoy the incomparable satisfaction of being able to teach the children herself. All these weighty reasons for education have impelled me to resolve on establishing a school in each of the towns of San Diego, Los Angeles, Santa Barbara, San José, San Francisco, and Sonoma, at the rate of forty dollars a month for the teachers, who will begin on July 1st."[26]

We conclude what has been said in justice to the last Mexican governor by making a correction, rather by making a clearer statement with respect to Micheltorena's moral integrity. We have said that Victoria was probably the only morally clean one of the Mexican governors of California. We were misled by the following assertion of Bancroft: "Yet another achievement must be placed to the Bishop's credit. He succeeded in inducing Micheltorena to give a practical illustration of his devotion to Church precepts and to the cause of good morals, by marrying the woman he had brought from Mexico as his mistress."[27] We would give it as our conviction that Micheltorena should be classed with Victoria on the score of morality, and not with any of the others that governed California after the Spanish period. The only basis for Bancroft's statement is paisano gossip,

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[25] One can readily understand why a governor giving expression to such antiquated ideas, which were calculated to disturb guilty consciences, should be distasteful to the Voltairianized young California leaders, and why they sought to cover him with infamy. They had treated the devoted missionaries similarly or worse.

[26] Micheltorena al Ayuntamiento de Monterey, May 8th, 1844. "Cal. Arch.," Dep. St. Pap., Angeles xii, 627-630.

[27] Bancroft, iv, 374.

which, as he himself has pointed out, amounts to nothing. "I have not seen any contemporary record of the marriage," the historian confesses, "but many remember the fact." He should have quoted at least one or two who "remembered." Thus far neither have we seen the record of the marriage. Until it is discovered, we must hold that Bancroft's statement belongs to the numerous vile yarns which he allowed his agents to take down in writing, and which will mislead many a searcher for truth unless he is warned as to the nature of those writings.

On February 23rd, 1845, Pico in a proclamation announced the agreement reached at Cahuenga. In the usual extravagant style adopted by the leaders on stated occasions he congratulated the people on the reestablishment of peace, and then set forth the blessings that would be showered upon the country under his rule. These blessings, as the reader will suspect, ere long affected the missions and missionaries adversely, just as could have been predicted from the character of the man who since 1830 had proved himself the bitterest enemy of the convert establishments. Next day, the changes in the territorial government were officially announced by Juan Bandini, who had accepted the position of secretary under Pico. Los Angeles now became the capital, and the sessions of the assembly were held there, for the most part, without the attendance of the northern members. Alvarado, however, was made administrator of the customhouse at Monterey; and José Castro, having become military commander by the treaty with Micheltorena, also established his headquarters at Monterey. Thus everything in military and civil circles was once more in the hands of the paisano leaders.[28]

According to Bancroft "neither Pio Pico as governor nor José Castro as comandante-general had any special qualifications for his position; neither would have been chosen by the leading citizens, or even by a popular vote, perhaps, in his own section; and neither would have selected the other

[28] "Cal. Arch.," Dep. St. Pap., San José v, 389-393; Bancroft, iv, 511; 519-520; Hittell, ii, 359.

as his associate." [29] As regards the foreign population, J. C. Jones, writing to Larkin, probably expressed their feelings correctly. "As to our new governor!" he exclaims, "the idea of Pio Pico being dignified with the title of Excellency! It is almost too ridiculous to believe. I do not believe that his reign will be long; there will be a flare-up, no doubt, before many months between the Californians themselves." [30]

"Thus," says Bancroft, "the conditions were not favorable to harmony. With the governor, capital, and assembly at Los Angeles, and the civil offices all in the hands of the *abajeños*,[31] while the military headquarters, customhouse, and treasury were at Monterey, under the control of the *arribeño* [32] politicians, a renewal of the old sectional quarrels, as well as of those between military and civil authorities, might safely be predicted. Yet, perhaps because the spoils and advantages were more evenly divided between the north and south than in former years, the quarrel in 1845 was not so bitter or so disastrous in its effects as might have been expected. The troubles were, moreover, not so much between the two sections of the department as between the general and governor; and, in most cases, the petty conflicts were waged on southern soil, between the Pico element and certain southern men who represented, and were perhaps abetted by, the Castro clique at Monterey." [33]

Pico, on February 25th, notified both Bishop Diego and Fr. Durán that the assembly had elected him to the gubernatorial office ad interim. Two days later the Bishop wrote to Pico: "I congratulate you for having received command of the government, as is said in your note and in the circular of Micheltorena, etc." The Fr. Prefecto's congratulatory note indicated grave misgivings. "I hope," he said, "that justice, equity, and Religion will not suffer the least detriment dur-

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[29] Bancroft, iv, 518.

[30] Bancroft, iv, 519.

[31] i. e. those below, in the south.

[32] i. e. those above or north of Santa Barbara.

[33] Bancroft, iv, 520.

ing the rule of Your Honor." [34] Well might he fear for the future of his charges; for the arch-enemy of the missions, and, doubtless, the chief and most unscrupulous among the plotters for the possession of the mission lands, now held control of the territorial government. His record as administrator of Mission San Luis Rey, from which the honest Hartnell had removed him, augured nothing but disaster for the Indians and their ancient homes under the shadow of the mission cross, dilapidated and ruined as the comisionado system had left them. No one need wonder, therefore, to discover that the mission estates occupied Pico's attention from the very *first weeks* [35] of his domination.

Let us first briefly restate certain facts in order to be able to understand what follows. It will be remembered that the friars, with the aid of the neophytes, had created and maintained the missions, on land belonging to the Indians, for the temporal and spiritual benefit of the convert Indians. Neither the Spanish, nor the Mexican, much less the territorial government, had furnished any pecuniary assistance. The Spanish Government only posted a few guards at each mission for the purpose of insuring the peace and safety of the communities as well as of the territory. This was to the Government's own interest, inasmuch as the King of Spain desired to have the missions aid him in securing the country for the crown of Spain. Moreover, these missionary centers of religious activity had supported the whole civil and military government of California for more than thirty years. The missions, therefore, owed nothing to either the national or local government; on the contrary, the governments were under obligations to the Indian neophytes or

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[34] Pico to the Bishop, February 25th, 1844. "Escrituras Sueltas"; "Cal. Arch.," Dept. St. Pap., vi, 378. Bishop Diego to Pico, February 27th, 1845. "Cal. Arch.," Dep. St. Pap. vi, 487-488. "Espero que la justicia, la equidad, y la Religion nada tendrán que echar de menos durante el gobierno de V. Señoria." Fr. Durán, February 27th, 1845. "Archb. Arch.," no. 2283.

[35] Bancroft, iv, 546, has "months," and thus tries to conceal Pico's unseemly haste.

their missions to the amount of more than half a million dollars for supplies of every kind from grain and live-stock to military equipments.

Under Spanish and Mexican laws, all the land utilized by the missions, in the event of their majority, that is to say, when the Supreme Government and the ecclesiastical authorities had judged the neophytes capable of managing their own affairs, all this property, except that which was regarded as Church property in the strict sense, had to be turned over to such advanced neophytes who were to control it thereafter without interference from white officials. No part of this Indian land could be ceded to white people without the consent of all the Indians concerned, and then only with the approval of the Supreme Government.[36] Church buildings, the habitations of the clergy, the gardens, orchards and vineyards, were considered sacred to Religion and its ministers, or Church property in the strict sense, and therefore inviolable and inalienable. If these simple facts had been kept in view, both the Indians and the white people of California would have formed happy and prosperous communities, and the early prominent Californians would not have covered themselves with dishonor.

After Spain had lost control of the territory, one piece of cultivated land after the other, sometimes large tracts,[37] was cut off from the mission estates and granted to favorites of the governors, without the consent of the neophytes or their guardians, and without regard to Indian necessities. When, after nine years of mismanagement and plunder, the missions were ordered restored to the administration of the friars, most of the neophytes had died, and the disgusted survivors had abandoned their old homes beneath the shadow of the cross to lead a loose life, or eke out a precarious existence in the

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[36] Which is the practice observed by the United States to this day.

[37] That accounts for the large landed possessions of many Californians of those days. Retributive justice, however, would not permit them to remain in such hands, as will appear in the local narrative.

mountains and deserts, or in the service of frequently most unkind settlers. Of the once prosperous establishments little more remained than the church edifices, dilapidated buildings, neglected gardens, orchards and vineyards, at some of the missions, hardly that much. "In the natural order of things," Bancroft himself concedes,[38] "by the tenor of Spanish and Mexican law, this property, or a portion of it, would eventually revert to the Church."

"These remnants of property were small and unequally distributed," [39] but the Franciscan friars, as of yore, by dint of scrupulous and economical management contrived to render them sufficiently productive to support the Indian survivors, who had again placed themselves in the care of the Fathers, and to maintain Divine Worship. Micheltorena, in accordance with the laws of Spain and Mexico, had declared this property must be protected like other private property, since it belonged to the Indians and the Church. It could not, therefore, concern the territorial government any more than the property of private citizens. It was not asking the governor for aid, and merely wanted to be let alone. The former stretches of land and the vast herds of live-stock which, against the protests of the missionaries, had been granted or sold or wasted, could not be restored. The deed was done, and there was no court to compel restitution. What the friars and the Indians now expected was that their little communities be allowed to enjoy their remnant holdings in peace. Such was the situation when, in February, 1845, Pio Pico through revolt became the temporary governor of California. He seemed to be possessed with the mania that he must wipe out the missions, and he gave evidence of it from the very start. At all events, let us see how the hapless Indian communities fared at the hands of a man who claimed to be a Catholic, but whose acts in connection with the Indians and their missionaries violated Christian

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[38] "California," iv, 424.

[39] Bancroft, iv, 546.

laws as laid down in the simple catechism which he boasted having known by heart from cover to cover.[40]

The territorial assembly met in regular session at Los Angeles on March 2nd, 1845, and held frequent conferences until October. As the northern members, Spence, Munrás, and Estráda, remained away, southern substitutes were called to take their places. From March to May the attending members, therefore, were Pio Pico, Narciso Botello, Francisco Figueroa, Carlos Carrillo, and Ignácio del Valle.[41]

It is not known whether the subject was discussed in the assembly, but on March 18th, 1845, *only three weeks after he had assumed control* of the territorial government, Pico sent Carlos A. Carrillo and Ignácio del Valle, two of his four legislators, to present to Fr. Prefecto Durán and to the Fr. Presidente of the Zacatecan Fathers the following propositions which for assumption, sophistry and hypocrisy will scarcely find their equal.

"Instructions which the government gives to the Assemblymen Don Carlos Ant. Carrillo and Don Ignácio del Valle for the Rev. Fathers Presidentes of the Missions of the Department.

1.—"They shall manifest to said Rev. Fathers that the government [42] cannot, without pain, observe that most and nearly all of the missions, in the actual state in which they are, presenting, as they do, infallible ruin to the little property they possess, make it absolutely necessary to take efficacious steps in order to secure to the unfortunate Indians the little enjoyment which may still be left to them from the vicissitudes of so many years of fasting and want of clothing.[43]

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[40] See page 613, vol. iii, this work.

[41] Bancroft, iv, 521.

[42] Pico of course; for the Mexican Government had nothing to do with this act. The destruction of the missions was wholly the work of Californians, who, as in this case, proceeded against the missions without asking the National Government, and without awaiting its approval.

[43] "en los afanes de tantos años he ayuno y desnudez," as under Pico himself at ruined San Luis Rey Mission, for instance. There was neither ayuno nor desnudez under the independent management of the friars. Pico is candid for once.

2.—"That, inasmuch as it is impossible to continue the mission system, owing to the change in all the circumstances which used to favor its establishment, it is necessary to agree that the Indians ought to be left in perfect liberty, merely collecting them in orderly settlements into which some of the missions which may be adapted to that purpose, should be transformed, and distributing the proceeds from the missions for the benefit of the Indians.

3.—"That, inasmuch as it is to the interest of the government, as well as an obligation, to preserve and foster all branches of general prosperity, it will always aim to have the immovable property of the missions pass into the hands of private individuals, in the manner most suited, to assure, with solicitude for their advancement, the repairs, improvement and progress of which they are capable.

4.—"That, whereas the government recognizes the necessity of such reform, it desires at the same time to procure the best means for attaining the object after which it is striving. It hopes that the Rev. Fathers Presidentes of the missions may jointly propose the most prudent measures with which to operate in these cases. The government gives the assurance that the only object which moves it is to avoid the absolute destruction which threatens most of said missions, and, without prejudice to the desired progress, to advance the natives by putting them in *possession of the property that belongs to them.*[44]

5.—"That the government finds it in accord with general expediency that of the said missions those less prosperous should be sold in part or as a whole; and those having more extensive immovable property should be leased in part or as a whole, as may be more conformable to the good desired, and that the proceeds thereof shall be used for the benefit of the natives exclusively." [45]

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[44] "los bienes que les pertenescan." A valuable admission, which condemns Pico's procedure. This Indian property was in safe hands. Why did he meddle with it, nay destroy it?

[45] "Archb. Arch.," no. 2285; "Cal. Arch.," St. Pap., Missions, xi, 717-718.

Fr. Durán's reply to this remarkable document appeared promptly. It was easy for him to dissect the specious pleas employed by Pico under a mass of verbiage, and to unmask the real object of the whole transaction. As a synopsis would not do justice to the memorable defense of neophyte rights, we reproduce it entire, lengthy though it be.

## CHAPTER IX.

Fr. Durán's Emphatic Remonstrance in Behalf of the Indians.—Refuses to Assist in the Robbery.—Pico's Extraordinary Note to Fr. Durán.—The Legislative Committee's Recommendation.—Pico's Bando.—Fr. Durán's Circular.—Statements of Fathers Antonio Jimeno, Juan Moréno, José J. Jimeno, Blas Ordáz, Thomás Esténaga, José M. Zalvidéa, and Vicente Olíva.—Fr. José Reál's Indignant Protest.—Paisano Depredations.—Fr. Gutiérrez's Statement.

"I HAVE received the official note of Your Excellency of March 18th of the present year," Fr. Prefecto Durán writes on March 26th, 1845, "in which you announce to me the commission entrusted to the deputies Carlos Carrillo and Ignácio del Valle for consulting with me on the state of the missions, which, when executed by the said gentlemen, it would remain for me to give my opinion in writing. This I am going to do immediately.

"The gentlemen have communicated to me the Five Articles of said date signed by Your Excellency. I could not but observe that every argument which I might be able to set forth on the subject of the missions would seem useless; for this point comes as a matter already determined and decided in the tone and letter of the Five Articles, so that they leave no room for deliberation. In effect, the first article insists on the absolute necessity of taking efficacious steps to secure the happiness of the unfortunate Indians. The second insists that it is impossible to continue the mission system owing to changed circumstances. The third assumes as obligatory on the government the fostering of common prosperity, which prosperity is there claimed to consist in placing the immovable property of the missions into the hands of private persons. In the fourth article, the government regards as necessary for such reform that the Indians have absolute liberty, and that the immovable property of the Indians pass into the hands of private persons. These four articles merely intro-

duced the heavy thunderbolt that, according to rumors, was already decreed many months ago by putting on foot the coveted object of the sale of the missions.

"It is all well thought out and planned. What room, then, could remain for deliberation, unless it be that it turn on the means of executing that same which has already been resolved beforehand? Deliberation comes in right when a doubtful matter is proposed which necessitates discussion. A matter which is already decided in the Five Articles, what discussion does it admit, if it comes already discussed, nay more still, one of two extremes of the proposition deciding life or death to these communities already decreed? This reflection makes me suspect it as a matter not impossible that my cooperation as prelate of these missions is desired, in order that I participate in the tremendous responsibility which Your Excellency is about to incur before God and the world, before whom we shall one day be judged according to our respective works.

"Right here I cannot but express my amazement that the government of Your Excellency, which is no more than temporary,[1] presumes to undertake such a serious innovation in the missions as is the destruction of their system under the title of enjoyment and liberty of the Indians, who for their foolish and unsteady judgment are no more than so many school boys, and who are led only by the present without providing for the future. Is there forsooth a thoughtful statesman to whom is hidden the real and old plan, and the master key which opens all doors and windows to see, I shall not say as through a hair sieve, but through clearest crystal, the mysteries which lurk behind the absolute liberty

[1] Pico, therefore, had no right to decide anything concerning the mission property without the approval of the Supreme Government which, in explicit terms, had restored the missions to the management of the friars. Micheltorena had merely carried out this order of his Government. The haste with which Pico went to work confirms the suspicion that this action of Micheltorena was really the motive for Pico's revolt, just as it had been the principal motive for the revolt against Victoria. Yet Pico forever harped on obedience to the laws and constitutional rights!

which it is pretended to give to the Indians; and which as far as those of this mission under my charge are concerned promise it to themselves so surely that they already neglect the grain that has been sown and refuse to sow the remainder? If there should be such a statesman of so little penetration I would say to him: 'Behold, sir, all this talk about the liberty of the Indians is nothing more than an artifice contrived with much cunning in order to bring to the fermentation point the little ambition of the Indians and reduce them to the necessity, without perceiving it, of looking for employers whom they may serve.' There would be astonishment, and I should be asked: 'How can this be if they have to be as free as other classes of society?' 'Behold, sir,' I would answer him: 'To the Indians the magic word liberty has as much attraction as for boys the cry, School is closed, or The teacher is sick.' Some thing is given the Indians at the start; they are as supremely contented as crickets; but the thoughtful politician, who may have well penetrated their character, will be certain that in a short time they will have wasted all, and that they will see themselves reduced to the necessity of seeking an employer whom they may serve. This is the object which never is left out of sight, and which for many years has paraded in the heads of some. This is the great secret upon which all the batteries against the missions have been leveled for the last fifteen years.

"Now, since the employers will not be able to admit to their service any Indians save those who are healthy and useful for work, on what will the aged, the children, the orphans, the idlers subsist, who hitherto have been supported by the communities as so many very heavy burdens that weighed upon them? It is true, and I have witnessed it with edification that some employers have with much charity cared for their Indian servants during their illness; but not all are such, nor can they be such. Hence, it is a matter worthy of deliberation what will or may happen to so many unfortunates after the destruction of the communities. Moreover, I may be permitted to doubt that the service of useful

and healthy Indians, when once they are absolutely free, will be of so much value to the employers as is claimed. On this matter I will relate an incident which happened to myself. Lately, after having taken charge of this mission,[2] some began to apply to me for Indians to help them at work. Inasmuch as this mission is short of Indians, I said to them, 'Are there not enough below at the presidio? Why do you not employ them?' The reply given me was, 'Father, those Indians are very bad; they want their wages in advance, and after a few days they disappear without returning the money.' There may be exceptions to this; but I always fear that when they see themselves more free than ever, and that they need not be afraid of being reclaimed by the respective mission, there will be much more fraud and abuse prejudicial to the employers than formerly, for it is worse that many not only do not refund what has been advanced them, but that they occasionally may determine not to leave empty-handed, according to the value they may put on their labor. I shall not, at present, dwell on the resulting confusion, disorder, and immorality which is observed in the south, for that is evident to all.

"Now, could I cooperate in such destruction? Could I concur actively in the economical and moral damage which of necessity must come upon the missions from the contemplated innovations? Could I become a partner in the frightful responsibility which before God all those have contracted who have had a share in the destruction of the mission system and order, who have been the direct and willing cause of the demoralization of the Indians, of the stopping of Baptisms of pagan children and adults, and of the death without spiritual assistance of many Christians wandering about the pueblos, ranches, deserts, and tulares? This Your Excellency need never expect. Your Excellency may count on my purely passive obedience insofar as I shall never attempt anything against your government. I shall obey, even promote actively, all that the government may command so long as it may not appear to me as contrary to the laws of strict jus-

[2] Santa Barbara Mission.

tice; but, as to rendering active obedience by concurring with my opinion or rather approbation in the two objects of absolute liberty of the Indians, and more than this, in the sale of any mission, that must not be expected. The former project I hold injurious at least to public morality; and the sale of the missions I hold to be contrary to justice.

"Then, with regard to this last, it may be asked, To whom do the missions belong that they could be sold? Who erected them? Who are the legitimate masters and proprietors? Is there a babe in the whole territory which does not know that the Indians and only the Indians are the owners? Is there any one who does not know that if only one family, nay only one individual of the community survived, that he is the natural heir, and enters into all the rights of the community? With what justice, then, may Your Excellency, or whoever does it, proceed to the sale of the missions? Are they yours? Do they belong to the government? Do they forsooth belong to the nation? Please, Your Excellency, examine title 1, article 9, number 13 of the Bases Constitucionales which were sworn to, and you will see what the nation says speaking of the respect due to ownership. Yet Your Excellency would have me cooperate in such a flagrant injustice as would be abetting the sale of the missions or their possessions? On the contrary, in virtue of my office, I consider myself obliged to protest, and I do protest herewith, as far as the Tribunal of the Just Judge of Heaven, (if perhaps it should never avail on earth) against the alienation or sale of the least possession of the Indians, that, because of their condition as minors before the law, and by their own character, they should always be favored by restitution *in integrum,* as the laws provide in favor of oppressed minors; and, likewise, that it be clear that the possessor or purchaser of such possessions shall never be able to be favored by the law of prescription, neither here nor in eternity; and that he and his heirs shall always be obliged to make restitution along with all the damage and injuries caused to the true proprietors.

"Now a reply is still needed to an objection which might be made, and which Your Excellency really makes chiefly in

the first article, and which consists in the same infallible ruin of the possessions if they should continue in the present state of the missions, and from which you infer by a kind of logic, which I have never seen in any book, the result in Article Five, which is to sell the missions!

"Well, in case, for want of hands, some mission might be unable to make all its possessions productive, is there no alternative between leaving a possession go to ruin and obliging the owner to sell it, and that too, not by himself but by the government? If Your Excellency, for lack of laborers, were not able to attend to all your possessions, would it seem right to you that the government came and directly by itself sold what Your Excellency cannot render productive? Surely not. Well, why then is it intended to do this same thing to a few unfortunate Indians at a time when they are so much attracted with their *equality* with other citizens? Where is their enjoyment? Where is the just dealing? If that, which Your Excellency finds in the case of the Indians, should be applied to the possessions of Your Excellency, I am sure that you would discover a just means to avoid the ruin as well as the sale of your property, and that is *emphyteusis*[3] for a generation, for ten or twenty years or more. This is a most common transaction, and a just way employed among all civilized nations, and even among those of no civilization, *with the exception of this corner of the world.* However, when there is question about the goods of the poor Indians, ignorance of the just means of *emphyteusis* is affected, and with one leap it is determined to pass from the ruin, which may threaten, to the sale, as though these were two extremes without a just mean.

"No, Excellent Sir, the missions which for want of hands may not be able to render all possessions productive, or may threaten ruin, have the remedy in *emphyteusis,* dividing by half and half the clear proceeds of the product between the proprietor, who are the Indians exclusively, (and not the government) and the lessee or tenant. In this manner is

[3] Letting the property or land for a share in the revenue or product.

avoided the ruin of which so much is said in Article One and which is the basis whereon the rest have been raised, and which, consequently, leaves them without legal force, once it is legally removed, whilst that which served them as a prop is avoided just as in material things the edifice falls to the ground when the arch or post which sustained the structure is removed.

"On this idea of emphyteusis I would dwell a little longer for the emergency, (which God forbid) that these communities should suffer the deadly blow of dissolution, and the Indians see themselves entirely free and made to shift for themselves. In this condition, as individuals, they will always be poor, and even those who apply themselves to work will scarcely succeed in supporting themselves, for if gathered in pueblos there will be all kinds of community expenses which could only be paid by means of the proceeds of the leasing of those possessions which Indian hands are not capable of making productive by themselves. In such a case it is right to come to the assistance of our fellowmen. Good management of these revenues, and an annual or semi-annual statement of the receipts and expenditures to the Indian alcaldes or to all the Indians assembled, could perhaps produce the fund necessary for the community expenses of each Indian pueblo. In this, I find no other difficulty than in selecting a person for administrator. If he is a layman, a good salary must be assigned. If he is an ecclesiastic or a friar, as he ought to be, at least in those things that pertain to Divine Worship, he ought to administer what is destined for such purpose. Beyond this, I shall, for the present, say nothing more than that I look with suspicion upon every innovation that may be made in the missions; for I believe in the common proverbs that That which is known is better than the good not known, and Let well enough alone.

"So far I have refrained from touching a point which is most worthy of the consideration of a Catholic government, and this is, in the first place, the maintenance of public Worship in order to give to God what every society is bound to give Him; and, in the second place, the maintenance of public

justice and the submission and obedience of the people to legitimate authorities. Of all this, which in my opinion should have been the first and chief solicitude of the commission and of the Five Articles of the Instructions, not one word nor one reference is made in said Articles. Nevertheless, I see myself obliged to call the attention of Your Excellency to the fact that the majority of this California are not as yet so tainted with infidel philosophy, that in life and especially in death they are willing to do without public worship and without the spiritual aid common among Christians. They still hearken to the penetrating voice of nature which plainly tells them that there is a God, and that man is obliged to offer Him worship in union with the rest of men who compose one and the same society. This worship is the bond of society. Without it there can be no religion or morals which guarantee the security of life and property of honest men in the cases where human justice does not suffice to restrain the wicked. This worship, I say, cannot be maintained without churches or without priests authorized for that purpose. The missions have so far upheld this obligation for the benefit of the whole society.[4]

"After the missions are sold, and the Indians given absolute liberty without obligation to contribute to public worship, how shall the public worship and its ministers be maintained? Shall the priests give themselves up to traffic? Shall they engage in other employments not in keeping with their office, and thus forfeit the respect and authority which is so necessary in order that the faithful behold in the priesthood men who represent the living God and dispense the divine mysteries? Or, is it intended that we shall at the same time be men who must eat and chameleons who live on the air they breathe? How is it that these obvious considerations did not enter the deliberations? Or is it intended that we shall be compelled to yield to hunger after we have satisfied so many

[4] The colonists shared in the advantages of having Divine Services and the Sacraments without being obliged to contribute to the support of the Church, because of the presence of the Fathers at the missions.

in California, obliged to ask for our passports, shake the dust from our feet, as the Lord tells us in His Gospel, and go away from wherever they do not receive us? It will be necessary to do so unless means are supplied us for a work which among the most principal ones is the chief.

"In conclusion, I, as prelate of the missions, must say that it is not possible for me to offer any active cooperation relative to the reform, for it presents itself to me as the beginning of huge evils to the whole territory. I repeat, that to avoid the ruin which threatens the property of the missions there is a just way, namely, letting it out or leasing it without depriving the Indians of its ownership. By depriving them of their ownership the greatest injustice would be perpetrated, which would oblige restitution for all eternity; besides it would only result in the exclusive benefit of some impecunious creature who would acquire it for much less than its intrinsic value." [5]

Fr. Durán's protest, and his strong appeal to conscience and justice, of course, had no effect upon the unscrupulous temporary governor. Pico was as determined as ever to wipe out the missions. "The principal object," he himself frankly confesses, "which guided me in my actions respecting those establishments, was to make the rule of the missions disappear completely, and to organize pueblos in their stead." [6] Only a pretext was required in order that his unseemly haste in the matter might appear justified. As at the time of Figueroa the covetous mission enemies accused the Fathers of wholesale cattle slaughtering, in order to justify the forcible removal of the missionaries from the management of the missions,[7] so now Pico discovered a similarly flimsy excuse for his attacks on the friars and their way of administering the property of the Indians at this date.

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[5] Fr. Durán to Pico, March 26th, 1845. "Archb. Arch.," no. 2286.

[6] "El principal objeto que me guiaba en mis providencias respecto á aquellos establecimientos era hacer que desapareciese por completo el regimen de misiones, y que se formasen pueblos en su lugar." Pico, "Narracion Historica," Ms., 132. The rights and the wishes of the Indian owners were nothing to him!

[7] See vol. iii, pp. 558; 654-663.

Scarcely two weeks after he had received the Fr. Prefecto's remonstrance, Pico despatched the following extraordinary note to the venerable head of the aged friars: "Reports have reached this government, and I, with pain, notify Your Reverence that in some missions they have been selling the most indispensable things. Inasmuch as this is absolutely prejudicial to the respective communities, no matter in what state the missions may be, I hope that Your Reverence will issue orders forbidding the Rev. Missionary Fathers to continue such evident damage to the establishments under their charge. The government is endeavoring, and will endeavor, to employ such means as are permissible in order to prevent the total disappearance of the little remnants,[8] which still remain of the missions, and it doubts not that Your Paternity will restrain the Rev. Fathers under your obedience so that they abstain from making any sales or donations which are notably injurious to the neophytes of their missions."[9]

This document came with a bad grace from the man who had been discharged from the office of administrator for impoverishing Mission San Luis Rey, for ill-treating the neophytes, and for trying, against the will of the Indians, to obtain possession of Temécula Rancho belonging to said mission.[10] Now, under cover of general accusations, Pico endeavored to conceal his real motives, and to make it appear that nothing but solicitude for the welfare of the neophytes

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[8] Pico acknowledges that the missions were once prosperous, and that now only remnants were left. Who reduced those establishments to such a sad state? Not the friars. The most guilty was Pio Pico himself. Then, why not permit the remnant of Indians to enjoy their unstolen remnants of land near the Missions? Surely, those few acres could not obstruct "colonization." Because Pico was not guided by the Catechism, which included a Seventh and Tenth Commandments, but by anti-Christian prototypes in France and Mexico, to whom the very churches and their contents were not sacred.

[9] Pico to Fr. Durán, April 14th, 1845. "Sta. Barb. Arch."

[10] See pp. 159; 179-180, this volume. He and his kind without a qualm had swallowed camels; but now strained at gnats. Matt. xxiii, 24.

impelled him to deprive the friars of the management of what little remained!

Without awaiting a reply from Fr. Durán, or from any friar accused of unfaithfulness, Pico, on April 18th, 1845, addressed his assembly "relative to the lamentable state of decadence of the missions." He was not indifferent to the decay and to the total extinction of the missions. Many of them, which had been prosperous and had occupied so prominent a position in the country, now had little or nothing left but a place in history to record the ruin. Others were fast following in the same path towards absolute dissolution. An attempt had been made to preserve them, but it had proved impracticable. The Indians were continually demanding freedom. In considering what was best to be done, while it could not be forgotten that the Indians were the owners of the mission property, it was also to be borne in mind that there were creditors to such property, and that the rights of these creditors had to be respected as well as those of the Indians. He therefore thought that immediate steps should be taken to prepare for the final disposal of the mission property, for which purpose he submitted a written plan for the consideration of the assembly.[11]

On the following day, April 19th, the committee on public instruction, consisting of Francisco Figueroa and Ignácio del Valle, recommended: 1. That the governor should demand an exact account of the debts and assets of each mission, and of the resources from which the debts may be paid. 2. That the governor, from the date of the publication of this decree, suspend the granting of lands adjoining the missions, as it is necessary to bear in mind that some lands must indispensably be set aside as ejidos or community land. 3. That the governor, in future, suspend giving certificates of liberty to neophyte Indians until it has been decided in what state they are to continue. 4. That the governor notify the Rev. Fathers Prefects to direct the Rev. Missionary Fathers to abstain from selling any useful movable property of the establish-

[11] Pico, "Mensaje á la Asamblea," April 18th, 1845. "Cal. Arch.," Leg. Rec. iv, 357-361. Hittell, ii, 379-380; Bancroft, iv, 548.

ments in their charge.[12] Two days later, Pico issued the proclamation in accordance with these recommendations.[13]

Fr. Durán, on April 23rd, acknowledged the receipt of Pico's communication of April 14th, and, at the same time, informed the governor that he had notified the Fathers by circular as requested.[14] On April 17th, however, he had already taken the opportunity to repeat the warning given in reference to another matter: "I hope that, in all the business passing between us, Your Excellency will ever distinguish between opinion and passive obedience. Your Excellency will always bear in mind not to demand of me any active cooperation." [15]

In his circular to the missionaries, Fr. Durán incorporated Pico's accusations of April 14th, and another note of the same date in which Pico demanded that the Fathers should forward to him an itemized statement of the assets and debts and the reason for the debts of their respective missions, under the specious pretext that the government desired to find some way of satisfying the creditors, who, he claimed appealed to him for what was due them. "These two letters, Rev. Fathers," he wrote, "for their moderation and justice, and for the submission which we owe to the government in everything that does not offend against conscience, deserve our most punctual obedience. This I ask of Your Reverences, order and command, so that we may never forfeit the confidence which the government shows us, nor sacrifice our honor for any worldly interest. I do not know, indeed, who he can be that has given occasion for setting afloat such rumors, and who vexes the just sensibilities of the government. If there has been any carelessness in this, I hope from the religious obedience of Your Reverences that you will give the governor no more

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[12] "Cal. Arch.," Leg. Rec. iv, 357-361. Dep. St. Pap., Mis. & Colon. ii, 677-678. "Sta. Cruz Arch.," Bancroft Collection.

[13] Pico, "Bando," April 21st, 1845. "Cal. Arch.," Dep. St. Pap., San José, v, 400.

[14] "Archb. Arch.," no. 2289.

[15] "Archb. Arch.," no. 2288. "Está de la V. Ex. siempre por corriente con tal que no se me exija cooperacion activa."

reasons for such painful charges against us, lest, on account of them, he take occasion to introduce a second secularization, which, as far as our personal tranquillity is concerned, we could disregard; but experience has already demonstrated the evils which the first has brought on." [16]

It is impossible that the keen mind of the Fr. Prefecto should not have penetrated the object of Pico's move, and that he should have imagined that any effort or sacrifice of the friars could save the remnants of mission property for the neophytes. Fr. Durán, if he expressed his own mind here, probably adopted the strange tone of his circular as a matter of caution, presuming that the friars would comprehend the situation and repress their just indignation, in order not to afford the enemies the least pretext for hastening the measures which they had resolved to take ere long. Nevertheless, some of the Fathers, when signing the circular, expressed their feelings in no uncertain terms. For himself, Fr. Durán on May 2nd, 1845, replying to the demand for the assets and debts of Mission Santa Barbara, which was in his personal charge, writes: "I have to say that it owes nothing to no one,[17] but its assets consist of one hundred and forty hides, about thirty barrels of wine, and three barrels of grape brandy." [18]

Fr. Antonio Jimeno, in behalf of Mission San Buenaventura, reported on May 22nd, 1845: "This mission, which is temporarily in my care, at present owes nothing more than eighty-two hides to Fr. Durán, and $220 to other parties, which debts were made during my time; but the assets consist of grain, mantéca, tallow, a few hides, $180 worth of soap, and twenty dollars in cash," enough to wipe out the debts and leave a surplus. When he assumed the management from the secular administrator two years before, Fr. Antonio found a debt of $2515. Neither sales nor donations were made during his time.[19]

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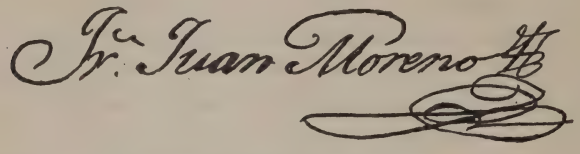
[16] Fr. Durán, "Circular," April 22nd, 1845. "Sta. Barb. Arch."

[17] "Nada debe á nadie." Bancroft, iv, 548, asserts it owed $2765!

[18] "Archb. Arch.," no. 2290.

[19] "Archb. Arch.," no. 2297.

"On my own authority," Fr. Juan Moréno reports for Mission Purisima, "I have not done away with, sold or donated anything worth noticing or needful. If the only piece of ground which remained (and which, if sold with the previous



Signature of Fr. Juan Moreno.

knowledge of the government, I hoped would cover the old debt due to Mr. Thompson), was recently given away, and which might amount to thirty yards of the ranch, it was not my fault, but that of the government, which gave it away against my will." [20]

Fr. José Joaquín Jimeno, rector of the seminary at Santa Inés, and in charge of the mission, found the terms and tone of Fr. Durán's circular strange; nor did he hesitate to express his dissent. "I have read the Circular and shall do what it commands," he added to his signature on April 26th; "at the same time, I cannot but make known the pain which it caused me to see that we are all harassed for faults which we have not committed. Let them point out the one who made the sale, and what indispensable utilities were sold; and let such a one vindicate himself, or, if he cannot, let him be reprimanded; but without proving that which they impute to us, and even without examining the matter, to call such a charge just, as Your Paternity does, and for you to say that the two letters are written with moderation and justice, makes it most painful to any heart, and more so to the heart of men who in truth should not be so badly requited. It is a notorious fact that calumnies are spread with impunity, and that pre-

[20] Fr. Moréno signing the "Circular," April 26th, 1845. On June 20th, 1845, Fr. Moréno formally protested to Pico against giving away the only piece of land remaining. "Archb. Arch.," no. 2300.

texts are sought (I speak not of the government) [21] in order to show that the interests of the Indians are not safe in our hands, and that it is necessary that others manage them. Notwithstanding this, to believe and take for granted what has not been proved is an outrage against whomsoever is treated in this manner." [22] Later, May 13th, Fr. Joaquín Jimeno reported that the assets consisted of thirty-five hides and fourteen arróbas of tallow. The debts amounted to $1608, besides twenty-eight head of cattle. "In the past year the number of cattle was reduced with the approbation of the governor," he explains. "The laborers were promised their pay in cattle, but, in the end, drafts had to be given to most of them, because the horses were crippled and the cattle lean, whilst the families of the servants were large and in urgent need." [23]

Fr. Blas Ordáz of San Fernando remarked: "I have, in everything, complied with the directions of the government. At the same time, I declare that I have protected with the greatest care all the lands and goods entrusted to me, without any loss to them; rather have they advanced to a considerable degree. For example, I have paid all the debts, bought a hundred and twenty head of cattle, and have, to a notable extent, improved these possessions which I found ruined." [24]

Fr. Esténaga of San Gabriel reported: "In the name of the neophytes, some waste land has been granted to some, and to others it has been refused. To show their gratitude, those favored have made some returns by giving some cattle or goods for the benefit of the neophytes; but *no land has been granted without the previous knowledge of the government.* It is true also that the mission has given away some things which were not needed, and the absence of which, therefore,

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[21] He might, without fear of error, have pointed to the governor, for Pico was evidently the moving spirit of the attack on the missions.

[22] Fr. Jimeno signing Fr. Durán's "Circular," April 26th, 1845.

[23] "Archb. Arch.," no. 2295.

[24] Fr. Ordáz signing Fr. Durán's "Circular," May 4th, 1845.

caused no injury to the neophytes,"[25] *"but not without permission of the Superior."*[26]

The venerable Fr. José Maria de Zalvidéa of Mission San Luis Rey remarked in signing the "Circular": "Owing to my continual infirmities, the government has relieved me from the administration of the temporalities of the mission, and therefore I do not find myself comprehended in the accusations which it makes against the Missionary Fathers."[27]

From San Diego Fr. Vicente Olíva informed Fr. Durán: "I shall do what is commanded, although the governor well knows that when I received back the mission it had only four cows, five calves, and one bull.[28] I have done away with nothing, nor have I sold anything that the mission might need; on the contrary, I have added to the property."[29]

Fr. Antonio Ánzar, the presidente of the Zacatecan friars, also issued a circular, but the replies of only Fr. José Reál of Santa Clara and Fr. Gutiérrez of Mission San José are extant. "I have received the official note," writes Fr. Reál, "which Governor Pio Pico addressed to Your Paternity. I assure you it caused me a great surprise to see how quickly and willingly the governor accuses of crime the poor missionaries who have sacrificed their tranquillity and their health in the discharge of the ministry, when they rendered their services to the Government of the nation, and that, too, for a period of more than five times fifteen years during which time they had charge of the extensive interests and the absolute management of the missions. That Government[30] never (per-

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[25] Fr. Esténaga signing May 7th, 1845.

[26] Fr. Esténaga to Pico July 2nd, 1845. "Archb. Arch.," no. 2302. The italics are ours.

[27] Fr. Zalvidéa signing June 5th, 1845.

[28] Only that much was left of the 3000 cattle and 10,000 sheep in 1834, hence after nine years of comisionado misrule, like Pico's at San Luis Rey. Yet Pico and his confederates now demanded a strict account of the pennies expended for necessaries by the friars, after said confederates had done away with thousands of dollars' worth of Indian property.

[29] Fr. Olíva signing the "Circular" June 16th, 1845.

[30] i. e. the viceroyal and later the Mexican Government.

haps for want of a delicate conscience) thought of critically watching their administration; but rather left it entrusted to the good faith and conscientiousness of the missionaries, because each year said Government observed the great progress and gain made by the missions under the protection which merely let them alone. The same Government, when our just complaints came to its knowledge, if unable to provide immediate relief, would find it expedient to at least manifest its gratitude and compassion.

"Only the territorial government is the one which, since the unfortunate epoch of 1836 until now (with the exception of Micheltorena's term), has not extended the least protection to the missions. If, at any time, it troubled itself about them, it was in order that it might by every means possible destroy to the very foundations not two but ten missions which were under our care.[31] It alone, I repeat, though aware of the services in which we have been reduced to the most degrading misery, to-day is desirous of giving prodigal and gratuitous compensation by heaping upon us the dishonoring and injurious epithet of usurpers, an accusation which is broached, but can never be proved, much less when it is based on so general a principle which defames, misjudges, and outrages every one of the religious, and, in spite of the laws that favor us, declares us guilty before hearing us. A similar doctrine was employed only in the time of Robespierre. Perhaps, however, I am ignorant that the governor may, at will, reform these principles so universally known in our system of government; but this I know that the governor, I myself, and everybody are subject to the laws. I also know that for different classes there are competent judges to judge them; yet we surely are not accorded the enjoyment of this privilege, inasmuch as the contrary is observed, and, according to the principle on which it stands, there is nothing else required than to designate the punishment, and for us to submit to the inevitable.

"I should like, respected Father, the governor to specify his charge and point out the mission, the Father, the things, the persons who received the things, and who was the vile ac-

[31] The missions from San Antonio to Sonóma.

cuser who with so much malice keeps in hiding, in order in this manner to clear up an affair in which the governor shows so much interest, and we likewise on account of the grave injustice which, without any proof whatsoever, has been inflicted upon us. I can also assure Your Paternity that since November of the past year (1844), when I took charge of this mission and its interests, no other movable goods have gone out of this mission except the following. When the cry for justice was raised against the lawfully constituted authority,[32] the bands of Castro and Alvarado camped here.[33] To quarter them, seven beds were put at their service. On the next day, they carried away the sheets, blankets, and spreads, and left only the mattresses. From the 25th to the 28th of November they consumed eleven head of cattle and skinned twenty-five tame cows in the corral, leaving these unfortunate Indians without even the aid of the milk which they used to have; for, as Your Paternity knows, there was not before nor is there now any grain. On December 2nd, they consumed three head of cattle, and, on January 3rd of this year, two head of cattle. On December 12th, they took three horses; on the 13th, six; on the 24th, four; on January 3rd, forty horses and three mares; and, on the same day, they robbed the cowboys of the horses and also carried away the saddles, bridles, spurs, shoes, blankets, and hats. On the same day, they stole twenty-two suits of fine red cloth worn by the music band of the mission. In January, they also took away the keys from the one in charge, opened the store-room, and ransacked it at their pleasure.[34]

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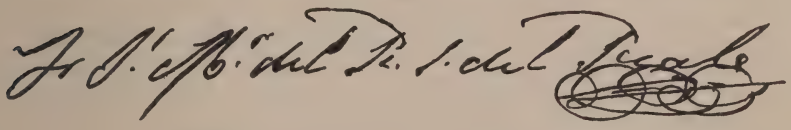
[32] Micheltorena, the governor sent to California by the Mexican Government.

[33] See preceding chapter.

[34] Castro and Alvarado had rebelled against Governor Micheltorena, ostensibly on account of the misdeeds of his cholos or convict soldiers; but the cholos committed no such outrages as Castro's and Alvarado's troops. At all events, they never molested the impoverished missions. Let the reader also compare dates (preceding chapter). He will discover that Castro's troopers had not disbanded according to agreement with Micheltorena. Treachery, therefore, was on the side of the rebels.

"On May 13th, came Antonio M. Pico and took away twenty-five head of cattle from the rodeo,[35] as his order of the same date proves. Of all this nothing has been returned. I believe that it is the news of this transaction which they have twisted out of all truth and reported to the governor, and from which he inferred that I gave or sold these things, though I did not; for they took it all by force and committed a thousand wrongs. This is all worth noticing that went out of the mission in my charge.

"With regard to the second note of April 19th, I have no other answer than that the governor should name a person from among those who have formerly held such position and increased the property so considerably,[36] and who possesses his whole confidence. To him I myself will solemnly deliver all that is in my charge, so that the governor may receive of it all the account that he desires, and I be relieved of such an odious burden of having to wear myself out and to make these unfortunate Indians labor for interests which, though



Signature of Fr. José M. del Suárez del Reál.

their own, they cannot enjoy, and which only serve to assist factions against legitimate authority.[37]

"May it please Your Paternity to report this original statement to the governor so that it may come to his knowledge that I protest most solemnly before the whole universe against continuing in charge of these passing interests, and that I demand of the governor's assembly amends for the infamy inflicted upon me." [38]

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[35] Place where the cattle were rounded up for branding.

[36] Ironical, since the comisionado, especially Pico, had impoverished the missions.

[37] Allusion to the paisano revolt against Micheltorena in which Pico was one of the leaders.

[38] Fr. Reál to Fr. Ánzar, July 2nd, 1845. "Archb. Arch.," no. 2304.

Fr. Gutiérrez, the only other Zacatecan friar whose reply is extant, wrote from Mission San José in a disheartened strain: "There are no field products with which to satisfy the creditors, consequently, all this talk about selling or giving away mission property does not concern me. I am ready to give an account of my stewardship, because during the period of my charge I have always conducted myself scrupulously and with honor; but, if the governor is not satisfied, I shall be glad to surrender the temporalities as soon as he directs. Perhaps men of more zeal and charity than I may be found who, while they increase the possessions, may advance them to the height of prosperity which they possessed from 1810 to 1812, when no one even thought of secularization." [39]

[39] Fr. Gutiérrez to Fr. Ánzar, June 28th, 1845. "Archb. Arch.," no. 2301.

## CHAPTER X.

No Necessity for Meddling with the Mission Temporalities.—Fr. Moreno Protests against Pico's Action.—Fr. Durán's Diplomatic Reply to Pico.—Pico's Frank Confession of Hostility.—Wants to Save Appearances.—Sends Bandini as Agent to Fr. Durán.—Fr. Durán's Long Statement of His Views.—His Recommendations.—Vote of Thanks to Fr. Durán and to Bandini.—Assembly Decree against the Missions.—Its Illegality.—Bancroft's Duplicity and Strange Ethics.—Fr. Durán Deceived.—The Missionaries Disheartened, yet True to Their Indian Wards.

FROM the replies of the missionaries in charge, it appears that there was small ground for interfering with the management of the mission property for the sake of creditors. If given time and let alone, the friars would most probably have wiped out all indebtedness contracted by the comisionado henchmen of Pico and Alvarado. Doubtless, many private individuals owed more than most or any of the missions. If the temporary governor saw no reason for intervening in behalf of their creditors, why should he trouble himself about debts on Indian property which was now economically managed by conscientious men? It seems quite probable that, outside the circle of greedy mission enemies, no one had made any complaints or had expressed fear about the backwardness of the missionaries in paying the debts inherited from the malodorous favorites of the paisano chiefs, who had impoverished the missions; but that these complaints, and more so the unwarranted charges of selling and giving away Indian property, were trumped up by Pico himself in order to have a pretext for the sale or grand giving-away of such Indian property which belonged neither to him nor to his government. The whole record of the man justifies such a conclusion. He and his confederates, it would seem, feared that in some way this remnant of former mission prosperity might escape their hands, and that therefore they must hasten to dispose of it, even though the good name of the venerable

friars suffered in consequence. At all events, one instance will suffice for the present to show that Pico's ostentatious solicitude for the rights of the creditors and for the temporal welfare of the Indians was anything rather than sincere.

"I must again molest you," Fr. Juan Moreno writes to Pico under date of June 20th, 1845.[1] "because Mr. Thompson, a few days ago, pressed me for the payment of a debt which Mission Purisima, now in my charge, owes him. I had, in the last year, promised to pay him the whole or a part in the hope that I should have permission to sell the site called Santa Rita. Now the government, to my surprise, has arranged to cede it to some one else, Ramón Malo, so that I am unable to pay the debt, because the mission has no property whatsoever, and this was the only piece of land that remained. It is the more painful to me as it was given away without regarding the proceedings in law which have always been observed, and which are just and necessary. In this matter, a grave injury has certainly been done to me, and the greatest damage to the mission in my charge. I therefore protest against the grant in order that I can at any time appeal to another judge, who may declare this act illegal, and restore the land to the lawful owner." [2]

Pico was probably under obligation to Malo or his attorney, and so he just gave him that last piece of Purisima Mission land, neither caring about the needs or wishes of the poor Indians, nor how Thompson should come by his money, nor how the debt would be paid which former administrators had foisted on the mission, doubtless driven thereto by the everlasting demands of the Alvarado government. Fr. Moreno soon had occasion to appeal the case to the Highest Judge, for he died just six months later, December 27th, 1845, and Pico's misrule was cut short in the following July.

[1] Three months after Pico had claimed that creditors wanted their money, and then only when Mr. Thompson observed that Pico, in the manner Fr. Moreno explains, was making payment of debts impossible!

[2] "Archb. Arch.," no. 2300.

The provisional governor must have repeated his complaints against the friars, if the date in Pico's copy of the latter's reply, June 23rd, 1845, be correct. At all events, the Fr. Prefecto wrote in the most diplomatic fashion, which, while it appeared to concede the justice of the accusations, in reality contained a veiled challenge for proofs. The extravagant language employed also implied the vain hope that Pico might be induced to abstain from the radical measures which it was plain he had in mind. "As much as I regret the disobedience of my subordinates and of myself to the orders of Your Excellency regarding the alienation of profane and sacred utensils," Fr. Durán says, "the prudent harmoniousness of Your Excellency in not wanting to take a step nor to resolve on measures for restraining these abuses without notifying me, meets with my approbation and satisfaction. This manner of proceeding on the part of Your Excellency, which I see not only in the order, captivates my grateful heart, so that I am disposed to cooperate *in any other measure* which it may seem to you necessary to take.

"To my mind, between Your Excellency and me, we must cancel all the sales that have been made of said utensils.[3] In order not to retard the restitution of them, I ask Your Excellency that any cooperation with me be recognized as authorized in order that no one might be able to excuse himself on the ground of lack of lawfulness for want of concurrence on the part of the prelate, though as far as sacred utensils are concerned the Bishop should be approached in whose charge, and subject to whose inspection, they are in virtue of his office. Yet I believe that whatever I do for the sake of gaining time will have his approval. Therefore, Your Excellency may proceed with vigor to annul the sales made, and to restore the things to their proper state without hesitating to manifest the superior displeasure of Your Ex-

[3] The enemy of the Fathers is here asked for proof of sales made by the missionaries. The execution of Fr. Durán's demand would have embarrassed some of the comisionados still in charge of missions not restored to the Fathers by Micheltorena. Pico probably dropped the matter.

cellency and of mine, but with severity in order that such abuses may be restrained.[4] Your Excellency may believe that I was entirely ignorant of them, and I did not believe that after our orders they would have been committed.

"Regarding the assets and debts of the missions, I think that the friars may find themselves embarrassed for lack of detailed documents, some of which, having passed through so many hands, may possibly have been lost.[5] In order to clear up everything, it seems well to me that the comisionado, whom Your Excellency may assign for taking the inventories, should likewise examine the accounts without forgetting the friars, and that Your Excellency agree with me for the purpose of avoiding inaction and dilatory replies. In what cannot be cleared, no other remedy may appear than to abide by the claims of the merchants as shown from their books.

"I shall give Fr. Thomas Esténaga the deserved reprimand, and even threaten him that, if necessary, we shall in accord place an official there to restrain him. If you know of another, I shall thank Your Excellency if you would let me know so that I can take the same steps." [6]

This last paragraph was evidently added to appease the disappointed temporary governor; but the Fr. Prefecto erred in assuming that by sacrificing one of his friars he could stay Pico's iniquitous plans against the property of the poor Indians. "I was determined," Pico frankly confesses,[7] *"to put an end to the mission system at all hazards,* in order that

[4] Another implied challenge for proof. Fr. Durán knew the Fathers could face investigations without fear.

[5] The Fr. Prefecto mildly intimates that the comisionados, while in charge of missions, had not been as scrupulous in keeping books as the friars, with whose exactitude no fault was ever found.

[6] Fr. Durán to Pico, June 23rd, 1845, as per Pico's copy in his "Documentos," ii, 59. The original is not extant. In the whole Pico collection there is only one letter in Fr. Durán's own hand.

[7] "Yo estaba determinado á acabar con el sistema de misiones á todo trance para que los terrenos pudiesen ser adquiridos por particulares, como estaba dispuesto en la ley de colonizacion." Pico, "Narracion," 134.

the land could be acquired by private individuals, as was provided for in the law of colonization." These laws, however, respected the right of the Indians to their lands, which under no condition could be lawfully taken from them without their consent as Pico contemplated. Pico's resolution was the more brutal inasmuch as little land was left. The bulk had already passed into the hands of such as Pico, Vallejo, Bandini, etc. A month later, after having examined the charges, Fr. Durán wrote to Pico: "I regret that Your Excellency accuses Fr. Thomas of wastefulness, and that you compare him with the late administrators in the work of destruction. In my opinion, he is guilty of nothing more than excessive goodness and condescension," [8] which was what the good Fathers from Fr. Serra down were "guilty" of in dealing with their Indian wards. After all, the property of the missions was the property of those same Indians.

Although protests and appeals to his conscience failed to deter the "unscrupulous Governor Pico" [9] from giving the reins to his mania for wiping out the missions, the said temporary governor [10] desired to save appearances. He wanted an amazed world to believe that the high-handed measures which he proposed against the Indian mission property were not only justified, but imperative. Hence his heartless charges of unfaithfulness against the devoted missionaries; hence his claims that creditors, who had not troubled Micheltorena, were pestering him for the return of money or supplies advanced to the comisionados while in control of the Indian establishments. What, however, Pico and his confederates deemed of the highest importance for the success of their schemes was the cooperation of the one man whose approval Alvarado at his time had declared to be of more value to him than the winning of a battle in war. Pico, therefore, endeav-

[8] "En mi concepto no tiene mas falta que su excesiva bondad y condescendencia." Fr. Durán to Pico, July 21st, 1845, "Documentos," ii, 51. The italics are ours. For specimens of real wastefulness, of which the Pico gang was capable, see pp. 160-163, 182-183.

[9] Thus Bancroft designates him in "History of Texas," ii, 710.

[10] Pico, at this date, styles himself "Gubernador Provisional."

ored to secure, in some manner, the consent of Fr. Comisario Prefecto Durán, before he took the last steps that would put an end to the missions.

Fr. Durán, it is true, had already flatly refused to allow his name to be used in connection with any project that deprived the neophytes of their property rights in the mission lands. Nevertheless, under cover of asking for advice and promising to follow or respect it, Pico hoped to induce the Fr. Prefecto to commit himself to some plan that would enable the confederates to proceed with more security. Juan Bandini, Pico's secretary, was accordingly commissioned to argue the matter with Fr. Durán at Santa Barbara. What arguments Bandini may have employed it is impossible to say. He must have given the venerable old man some assurance that no wrong would be done to the Indians, or that only advice was expected. At any rate, Pico's wily agent seems to have succeeded in persuading Fr. Durán to believe in the good faith of the temporary governor and his four assemblymen, who then controlled the destinies of the territory; for the aged Fr. Prefecto, on May 17th, 1845, wrote to Pico "inasmuch as, from the conference with Bandini, I have learned that the territorial government had in mind better plans for arresting the total destruction of the missions, I set forth my ideas in subjoined paper, which I have the honor to transmit to Your Excellency along with this letter. If, in any point, they deserve the approbation of Your Excellency, I shall be satisfied; if not, I shall nevertheless be resigned." [11]

Unfortunately, the original document, to which Fr. Durán refers, is not extant. We have, therefore, to depend upon the English translation in Pico's "Documentos," [12] which, in every particular, is scarcely correct. The paper bears date of May 16th, 1845, and reads as follows: "I shall endeavor," Fr. Durán says, "to reply with the method and clearness possible, arranging my ideas as they present themselves. In the first

[11] Fr. Durán to Pico, May 17th, 1845. "Archb. Arch.," no. 2296.

[12] ii, 37-47. Pico does not say where the original may be found, or who made the faulty translation.

place, it is necessary to concur in the principle that to legalize any plan of reformation which a government may wish to adopt, the demands of commutative justice, which consists in giving to every one what is his own by inheritance, gift, or personal labor, should not be lost sight of. Some persons are of the opinion that the missions should be sold. I proposed *enfiteusis* or system of leasing, etc. It appears that you doubt that any person will solicit property (fincas) on leases. My opinion is that by procuring or offering advantages in the first years, until the lessees have indemnified themselves for the expenses of their improvements, there will be more applications than enough, and more for leases than for sales, and I found my opinion on the following comparison or parallel of the two bargains. For a lease, capital is required only for the expenses of improvements; for a sale, capital is required for the purchase and for improvements. For the first, the poorest of our countrymen may come in, and profitably, provided they are industrious; for the sale, only a few foreigners, who are almost the only capitalists in the country, will come in. These will carry off the best portion, because they can bid to their own satisfaction, etc. The benefit which will result to the Indians from the sales will be precarious and exposed to malversation; but that procured from the lease may establish a fund which may increase after a few years. . . . What inconvenience can there be in making some trial leases before undertaking the general system of sales? . . . The time will come when a general sale will become necessary;[18] for the present leasing is sufficient.

"Under the supposition that some missions have neophytes living there under the direction of a missionary, I understand that this plan of leasing is to be limited to those establishments (fincas) which the community alone cannot make productive, as it would appear contrary to justice to oblige the

[18] but never without the consent of the Indians, and then the proceeds must go to the Indians. This Fr. Durán always has in mind.

neophytes to give leases of what they can and will work themselves.

"On this matter I will give my opinion as to the two classes of missions. One class being those having a missionary and neophytes together; and the other having neither missionary nor neophytes. With those of the former class, I would make a trial of the plan of leasing such portions (fincas) as the labor of the community is not sufficient to make productive. With the others, which have neither missionary nor neophytes, and which are entirely abandoned, such as San Miguel, San Luis, Purisima, and San Juan Capistrano, observing the forms and the respect due to all proprietors, I believe that it would be proper to promulgate a general bando calling upon and inviting the respective Indians, if they wish, to reunite under a mayordomo appointed by the government, and under the inspection and vigilance of the nearest missionary, in the manner which I am thinking of proposing afterwards, in consequence of what Your Excellency says to me with regard to San Luis Rey. I will allow that the Indians will not obey the call. In this case, reserving justice, it appears that it is in the power of the government to declare to be without owners (mostrencas) the property (fincas) whose owners do not appear, or will not make use of it, and as such the government may sell the same by itself and before itself (por si y ante si, by its own act and executing by its own authority) for the benefit of the Indians themselves should they present themselves, and should they not, then must the proceeds be used in objects of public beneficence, or in paying the debts contracted by the same Indians in the time when they lived in community.[14]

"Agreeing in the principle that the government should care that the land yield its fruits, and having shown by public proclamation the respect in which property is held, it appears to be lawful that, should the owners neglect their property,

[14] The last two clauses have doubtless been transposed in the translation. The paying of debts comes first.

the government may declare it to be without owners (mostrenca) and as such sell it.[15]

"What should be borne in mind is that all this should be decreed by the Honorable Assembly and sanctioned by Your Excellency,[16] that the transaction be perpetual. The acts of the head of the government alone can only be considered as temporary, and binding while he continues in office; and that the measure may be permanent, and to avoid reclamations for nullity, the regulations should be made in the name of a moral corporation which is never extinguished, nor dies, and which, in our case, is the Hon. Assembly. In this manner, we see that in our system of government the moral corporation of Congress makes the laws, and the Executive is only permitted to regulate the mode of administering them.

"It appears to me that, from what I have said, the two extremes of preventing the ruin of the property (fincas) and of selling them all by a general disposition, are sufficiently reconciled by leasing what the Indians cannot or will not work, and selling at public sale what has been abandoned, on notice for the days required by law, to the highest bidder, after public declaration having been made of the property being without owners. . . .

"I am of the opinion that the missions which still have a missionary and Indians together ought to be left in their present state of communities in so far as they may be capable of being preserved and made productive, the remainder may be leased, although this system can continue for only a few years, as all of us missionaries are approaching the end of our

[15] Ordinarily; but as the Indians, intellectually, were still but children, and had been illtreated, could their not appearing be construed as abandoning their property rights? The government was the guardian of such half-witted subjects. A guardian cannot dispose of his wards' property at will, because they may, as in this case, fear reenslavement.

[16] The whole transaction should have been sanctioned by the Supreme Government of Mexico, which as yet had not lost nor relinquished its rights over the territory, and, indeed, as will be seen later, was opposed to such disposal of mission property. Fr. Durán must have been left in the dark on the political situation. Neither Pico nor his assembly had any authority whatsoever in the matter.

mortal career, and there are no hopes of our places being filled by others. Thus it is already seen clearly that the end of the missionaries will be the last end of the missions which will follow the lot of those already abandoned, San Miguel, San Luis, etc., which would not have been lost had they remained under the shadow and with the center of unity of the missionary. Thus a beginning may be made by applying the plan which I have explained, and waiting for the hand of time, which cannot be far distant, to place the missions still remaining in the same condition as those already abandoned, and procuring always the preservation of the churches and priests' houses, so that when the time arrives for organizing towns, they may be able to maintain a curate. By this we shall save ourselves from the embarrassment of finding means to support public Worship and missionaries, which will be very difficult if not impossible after the dissolution of the communities.

"I have said *missionaries,* because as to the *secular priests,* who may be ordained and substituted for those missionaries, the government will have to deal exclusively with the Bishop. Therein there will not be wanting immense difficulties, as secular priests have more wants than missionaries.

"I conclude these observations on the missions with the little that I understand of systems of economy by leaving them to the superior intelligence of Your Excellency and the Hon. Assembly. My favorite books do not treat of these matters. Fr. Narciso Durán."

Naturally Pico was highly pleased with the outcome of Bandini's errand. At the session of May 21st, he hastened to announce to his four assemblymen "that the secretary of the government, Juan Bandini, to whom had been given the commission to confer with Fr. Narciso Durán on the ruinous condition of the mission for the purpose of avoiding the extinction of said establishments, had returned. A vote of thanks by the assembly ought to be accorded to Bandini and to Fr. Durán for the good disposition which he had manifested to cooperate with the government for the progress of the department." [17]

[17] "Cal. Arch.," Leg. Rec. iv, 154-155.

The motion for a vote of thanks to Fr. Durán and to Juan Bandini was accordingly passed by the assembly two days later, May 23rd, 1845.[18]

Pico lost no time now in taking the first decisive step for executing his determination to wipe out the missions. Without consulting the Supreme Government of Mexico, and only five days after aforesaid vote, May 28th, he had his four assemblymen Botello, Figueroa, Carlos Carrillo, and Ignácio del Valle pass the Decree for the "Renting of Some and for the Converting of Other Missions into Pueblos." The eight articles of this act read as follows:

"Article 1. The departmental government shall, by means of a proclamation which it will publish, call together the neophytes of the missions of San Rafael, Dolóres, Soledád, San Miguel, and La Purísima, which are abandoned by them, allowing them the term of one month from the day of its publication in their respective missions, or in those nearest them; and they are to be informed that, if they fail to do so, said missions will be declared to be without owners, and the assembly and the departmental government will dispose of them as may best suit the general good of the department.[19]

"Art. 2. The missions of Carmélo, San Juan Bautista, San Juan Capistrano, and San Francisco Solano shall be considered as pueblos which is the character they have at present; and the government, after separating sufficient space for the curate's house, for churches and belongings, and courthouse, will proceed to sell the remaining premises at public auction in order to pay their respective debts; and the surplus, should there be any, shall remain for the benefit and preservation of Divine Worship.

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[18] "Cal. Arch.," Dep. Rec. xiv, 26.

[19] "A curious bit of half-conscience-stricken, half-politico recognition of the Indians' ownership of the land. . . . There must have been much bitter speech in those days when the news of these proclamations reached the wilds where the mission Indians had taken refuge." Helen Hunt Jackson in "Glimpses of California," p. 83.

"Art. 3. The remaining missions, as far as San Diego inclusive, may be rented out at the option of the government, which will establish the manner and form of carrying this into execution, taking care, in so doing, that the establishments move onward prosperously. These respective Indians will consequently remain in absolute liberty to occupy themselves as they may see fit, either in the employment of the renter himself, or in the cultivation of their own lands which the government will necessarily designate for them, or in the employ of other private persons.

"Art. 4. The principal edifice of the Mission of Santa Barbara is excepted from the renting mentioned in the foregoing article; and the government will arrange, in the most suitable manner, which part thereof shall be destined for the habitation and other conveniences of his Lordship the Bishop and his household, and which for the Rev. Missionary Fathers who at present inhabit said principal edifice. Likewise, one-half of the total rent of the other property of the mission shall be invested for the benefit of the church, and for the maintenance of its priest, and the other half for the benefit of its respective Indians.

"Art. 5. The products of the rents, mentioned in Article 3, shall be divided into three equal parts, and the government shall destine one of them for the maintenance of the Rev. Father Minister and the conservation of Divine Worship; another for the Indians; and the last shall necessarily be devoted by the government towards education and public beneficence, as soon as the legal debts of each mission are paid.

"Art. 6. The third part, mentioned in the 5th article as destined for the maintenance of the priest and the conservation of Divine Worship, shall be placed at the disposal of the Reverend Prelates, for them to form a general fund to be distributed equitably in the aforesaid objects.

"Art. 7. The authorities or ecclesiastical persons, should there be any in the missions referred to in Article 1, or those in the nearest missions, or persons who may merit the confidence of the government, will be requested by said govern-

ment to see that the proclamation mentioned above be published, and to give information immediately whether or not the said neophytes have presented themselves within the period fixed, in order that, in view of such documents, the necessary measures may be taken.

"Art. 8. The government will, in the strictest manner, exact the amount owing by various persons to all the missions in general, as already ordered by the Most Excellent Assembly in its decree of the 24th of August, 1844, and dispose of the same for the object mentioned in the last part of Article 5." [20]

This act of Pio Pico and his four accomplices must be regarded as plainly illegal and unwarranted. He was then nothing more than a temporary ruler, or provisional governor as he called himself. He had come into power through an inexcusable revolt against duly constituted authority, and was still awaiting the action of the Supreme Government of Mexico on that subject. Moreover, even though he held the office of right, he went far beyond his authority. The missions had been restored to the missionaries and their neophytes by order of the Supreme Government. Only this Supreme Government could pass such legislative measure as the removal of the missionaries from the management and the renting or selling of missionary establishments or their lands, and then only for the benefit of the neophytes. In his haste to kill the missions once for all, Pico usurped the authority of the Mexican Government as he had usurped the office of governor in the territory, which the subsequent forced resignation of Micheltorena hardly legalized.

We may repeat, and apply to Pico's act of May 28th, and to the subsequent "law" of October 28th, 1845, what Bancroft writes of Governor Figueroa's confiscation act of August 9th, 1834. "Figueroa," the historian declares, "was induced to

[20] "Messages and Correspondence," or "Halleck's Report," Appendix, no. 20, pp. 162-163; "Cal. Arch.," Leg. Rec. iv, 164-167; Dwinelle, "Addenda," no. lxii, pp. 88-89; Bancroft, iv, 549-550 in substance.

admit [21] that 'the circumstances' required action as provided for in the previous resolutions without awaiting special instructions from the government or the arrival of its commissioner.[22] The reason alleged was that in the long interval between the passage and enforcement of the secularization law, the mission property was in danger of being wasted. In reality, the position of Figueroa in 1834 did not differ much from that of Echeandía in 1831.[23] Each desired to advance the scheme of secularization.[24] Each expected the early arrival of a successor.[25] Each preferred, from motives of pride and for personal interests of friends and supporters, that the change should be inaugurated by himself rather than by his successor, and each had the support of the diputacion.[26] Both knew perfectly well that they had strictly no legal right to act in the matter, and that the motives alleged, though of some weight, were not urgent for immediate action; yet both chose to assume the responsibility for such action. Figueroa's act, if somewhat less arbitrary and uncalled for than that of Echeandía, was none the less a trick." [27]

All this applies to Pico's transactions concerning the missions. The wonder only is that Bancroft commends the measure of Pico, although he admits wrong motives, whereas he condemns the same proceedings in the cases of Figueroa and Echeandía. What must we think, for instance, of this

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[21] Pico did not merely admit, but proposed, the scheme; this is the only difference. The rest of what Bancroft says applies literally.

[22] In Pico's case the commissioner, Híjar, was already on the way, and arrived in June, only one month later. Pico possibly was aware of Híjar's coming, and therefore hastened the passage of the act, just as Echeandía had tried to forestall Governor Victoria.

[23] This applies to Pico's attitude as well.

[24] Pico wanted to complete it, i. e., the confiscation, by extinguishing the missions.

[25] Pico expected either confirmation or a successor.

[26] Pico controlled four out of seven members; three refused to take part.

[27] Bancroft, iii, 340-341.

strange line of argument in behalf of Pico: "The governor," Bancroft contends, "was in duty bound to protect national property,[28] and was willing to help his friends among the two classes just mentioned.[29] Further than this, he was anxious, let us hope, to deal justly with the ex-neophytes, and he saw in the mission estates a source of possible revenue to be utilized by the government in emergencies; while the padres, representing the Indians, opposed a change, if at all, only because of fear that their wards might be cheated out of their rights.[30] That individuals were actuated by selfish motives, and that high officials were likely to misapply the net proceeds, are facts that do not affect the soundness of the views held by Pico and others respecting the necessity of final secularization.[31] It was important that the estates should be saved from ruin and made to yield a revenue. That revenue belonged to the government;[32] if the authorities did not

[28] Bancroft here assumes, against his better knowledge, what is to be proved, and bases his whole sophistical argument upon the assumption, that the missions were "national" property. They were no more national property than the Indian reservations in the Dakotas, Indian Territory or elsewhere are national property. "Figueroa maintained that the missions were the private property of the Indians, and protected from invasion by the Constitution." Randolph, "Oration" before the Society of California Pioneers, in "Hutching's California Magazine," February, 1861, p. 346. Randolph voiced the opinion of other governors as well.

[29] "Creditors demanded a change which should enable them to collect their dues. There were some, indeed, who desired to get possession of the mission lands." Bancroft, iv, 547.

[30] For once Bancroft correctly states the position of the friars. They represented the Indians, defended the Indians, and opposed any attempt made to cheat their wards. For this, and for nothing else, were they persecuted, calumniated, and evicted. All else the enemies adduced against them, or against the missions, was pretence.

[31] There was no necessity for confiscating the Indian property.

[32] Not any more than the revenues from Bancroft's property belong to the government. It was Indian property, taxed at the rate of twelve and one-half per cent. under Micheltorena, which is more than Bancroft would submit to.

intend to spend it wisely, they are to be blamed. Their announced intentions and their methods were altogether praiseworthy."[33] Those are strange ethics which the historian announces. Perhaps the chapters dealing with Pico in Bancroft's fourth volume were not compiled by the same hand that penned the chapters on Figueroa and Echeandía in his third volume.

It is singular that the clear-headed Fr. Prefecto should have allowed himself to be persuaded into believing that the perpetrators of this first decisive move to annihilate the missions could entertain any but sinister motives while formulating the decree; and that, despite his emphatic refusal of any active cooperation,[34] Fr. Durán should have lent his assistance to the extent of dealing with Pico at all, and making recommendations which the temporary governor and his assembly could incorporate in their resolutions. Probably the Fr. Prefecto, who must have penetrated their designs, hoped against hope to save some portion of the property for the Indians by yielding as much as possible. He very soon discovered and bewailed his error. He found that he had trusted too much, and that it would have been wiser, nay, the only course to take consistently with his previous attitude, to insist on the approval of the Supreme Government, which thus far had repudiated every action of the territorial legislature against the mission property.

However, the surviving friars, aged as they were, and momentarily expecting to be relieved by death, doubtless felt disheartened at sight of the havoc around them. Their heroic efforts were in vain. Through the machinations of the covetous mission enemies, the neophytes, for whom the missionaries had made every sacrifice, and for whom they stood willing to undergo additional hardships, had, for the most part, become so demoralized and uncontrollable that it appeared useless to battle any longer for their interests. As we may infer from a letter of Fr. Durán, to be quoted in its place, the Fathers may have thought it just as well to let the

[33] Bancroft, iv, 547.

[34] See Fr. Durán's letter of April 17th, 1845, in preceding chapter.

few wayward natives follow the bent of their own inclination, since priestly authority, opposed by worldly interests, was powerless to stop the headlong race to destruction. Nevertheless, though they apparently abandoned every hope of saving their deluded neophytes, the old friars to their last breath continued to resist encroachments on the rights of the Indians.

## CHAPTER XI.

Pico Announces the Assembly Decree to Fathers Durán and Ánzar.—Fr. Durán's Circular to the Friars.—His Communication to Pico.—Pico's Haste to Take over the Missions.—Fr. Esténaga of San Gabriel.—Fr. Durán's Regret.—He again Yields for the Sake of Peace.—The Submissiveness of the Friars.—Disgusted with the Indians at Santa Barbara.—Useless Comisionados.—Híjar sent to California.—Action of the Assembly.—The Territory Reapportioned.—Dearth of Priests.—Montereyans Displeased.—Fr. Antonio Reál's Pointed Missive.—Micheltorena Intercedes.—The Bishop's Depressing Letter to Micheltorena.—Ungrateful Paisanos.

PROVISIONAL GOVERNOR PIO PICO published the assembly decree against the missions in a proclamation of June 5th, 1845.[1] It was the last step but one towards their annihilation, as Hittell confesses when he says: "The final extinction was accomplished under the decree of May 28th, 1845, pieced out by the decree of September 10th. Soon afterwards the final ruin settled down, and there was nothing left of the old missions even to complain about."[2]

Pico notified the Fr. Prefecto of the Fernandinos and Fr. Antonio Ánzar, presidente of the Zacatecan friars, on July 1st, 1845, as follows: "From the enclosed decree of the Most Excellent Departmental Assembly of May 28th last, Your Reverence will learn what this honorable body has decided with regard to the missions. Since the government is charged with its execution, I have already appointed a commission composed of Don Andrés Pico and Don Juan Manso,[3] who are immediately to proceed to draw up the inventories of the missions so that their leasing may be effected as well as all

[1] Bancroft, iv, 549.

[2] Hittell, ii, 382.

[3] Bancroft, iv, 550, asserts they were appointed at Fr. Durán's suggestion. On June 23rd, 1845, Fr. Durán only wrote: "Parece bueno que el comisionado, que V. Ex. asigne para los inventarios, etc." See page 366, this volume.

else that the decree enjoins. I, therefore, beseech Your Rev. Paternity to be pleased to send your commands to the respective missionaries, so that they may place their missions at the disposition of the said commission through the legal formalities, as the gentlemen who compose the commission bear with them the instructions of the government for their management.

"This commission will begin its labors immediately at the Mission of San Gabriel, and from there it will proceed to the others towards the north. For this reason, I must ask Your Rev. Paternity to transmit to me by the bearer of this note your commands to the religious of San Gabriel, San Fernando, and San Buenaventura, in order that the commissioners for the missions may suffer no delay nor inconvenience whatever in their functions. This occasion affords me the satisfaction of protesting anew to Your Rev. Paternity the assurance of my high regard and especial esteem. God and Liberty. Los Angeles, July 1st, 1845. Pio Pico."[4]

The provisional governor, on the next day, addressed the following note to Fr. Durán, going also a step further: "My esteemed Father," Pico begins his second letter, "I write to Your Reverence and transmit to you the decree of the Most Excellent Assembly of May 28th, which establishes a new order for the missions. In order to put it into effect, I have named a commission which is in succession to inventory the property and belongings of the missions so that we may have before us the data for the leasing of some and the sale of others with all possible fairness and without prejudice to the Indians and for the support of Divine Worship and its ministers. I hope, then, that Your Reverence may be pleased to send your orders to me through the messenger, whom I am despatching to-day, so that the comisionados may operate soon and without obstacles.

"In the new regulations regarding the missions, and in

[4] "Sta. Barb. Arch.;" "Cal. Arch.," St. Pap., Missions & Colon. ii, 715-717. The copy in Dep. Rec. xiv, p. 180, has date of June 30th. Another copy, pp. 183-184, announcing the commission, is dated July 1st. The alcaldes of the territory received similar notice on July 1st, 1845, as per p. 189. Andrés Pico was the governor's brother.

everything in which I may be able to please Your Reverence, I shall consider it a favor if you would intimate your wishes, assured that they will be complied with as far as possible by your very affectionate and very attentive servant, who with respect kisses your hands. Pio Pico." [5]

Fr. Durán probably received Pico's notification on July 3rd. He immediately sent out the following circular to the friars under his jurisdiction: "The Most Excellent Governor of the Department, under date of July 1st, tells me that two comisionados will arrive to take the inventory of your respective missions. He requests that I communicate the necessary orders to Your Reverences so that you may aid in everything that may be necessary, always bearing in mind the religious harmony and obedience which we owe to the government. Since the purpose of the government and of the coming of the comisionados is the leasing of the missions, I understand that the inventory must confine itself to that which can be leased, such as productive lands, movable goods, field implements, and necessary utensils which the lessees may need. When, therefore, the comisionados present themselves to Your Reverences, and show the instructions which the government communicated to them, Your Reverences will cede everything they demand. Give me notice if anything appears to you immoderate against which appeal should be made to the government." [6]

True to his determination to preserve harmony with the governor, now that resistance appeared useless, Fr. Durán professed himself pleased with the decree as a whole. "I have received the decree of the Most Excellent Assembly," he wrote to Pico on July 3rd, 1845, "and, on the whole, I am pleased; much less so, however, with the absolute liberty of the Indians, though I can see the purpose had in view, which is that the lessees should have hands to work for them; but I fear that both the Indians with their liberty and the lessees

[5] Pico to Fr. Durán, July 2nd, 1845. "Sta. Barb. Arch."

[6] Fr. Durán, "Circular," July 3rd, 1845. Pico, "Documentos," ii, p. 49. This is the only letter in Pico's collection written by Fr. Durán. All others there are but copies, of which, singularly enough, no originals exist, as far as we have learned.

who count upon them will be disappointed; for the Indians do not desire liberty in order to work, but that they may be idle. Time will tell. I also notice that no obligation is imposed upon the Indians to help maintain Divine Worship and its ministers. If we had any revenues, or received any perquisites, we should be able to pay for the service; but we have neither the one nor the other.[7] How then shall we live? If the cook one day should declare that he will prepare no more meals; the singers decline to sing; the vaquero, the servant, the sacristan, etc., refuse to serve any longer, what shall we do? This is a matter of some importance. I hope that Your Excellency will show me some way in order that I may adopt it."

Yet, forgetting self, Fr. Durán's heart, as ever, went out to the poor deluded neophytes. In a postscript he therefore pleads: "The lessees, to be just, should not take possession of the missions until the Indians have harvested and gathered the produce and fruits which they themselves have cultivated, that is to say, not before the first of January; for, with what justice might the lessees enjoy what they have not raised and earned? I suppose the leases will be arranged with the highest bidders at public auction according to the law."[8]

Pico and his confederates, however, had no intention to await Fr. Durán's action. On the same date on which he informed the Fr. Prefecto of the assembly's resolution, July 1st, the governor hastened to despatch to Fr. Thomás Esténaga a note similar to the one addressed to Fr. Durán, and again, on the next day, with the request to surrender the property of Mission San Gabriel.[9] "To this demand," Fr. Esténega replied in both cases, "I have to say in two words that I respect and venerate the new dispositions of the Most Excellent As-

[7] "Si tuvieremos renta ú obvenciones podriamos pagar servidumbre; pero no tenemos ni uno ni otro." To the very last the friars would remain poor, as they refused fixed revenues. Certain "historians" will have to revise their statements.

[8] Fr. Durán to Pico, July 3rd, 1845. "Archb. Arch.," no. 2306.

[9] Pico to Fr. Esténaga, July 1st & 2nd, 1845. "Cal. Arch.," Dep. Rec. xiv, 181; 191.

sembly concerning the missions; but I cannot give my assent to the command of proceeding to inventory and surrender the interests and belongings of this mission in my charge as long as I see no express order from my Superior." [10]

The order came in the Fr. Prefecto's Circular of July 3rd, which Fr. Esténaga probably received on the 5th or 6th. The transfer was accordingly effected, but the wondering Fr. Esténaga reported the action of Pico and the peremptory demand to his Superior with the result that Fr. Durán wrote to the provisional governor: "From a letter of Fr. Thomás Esténaga, dated the 7th of this month, I have seen that Mission San Gabriel has been delivered to Comisionado Manso. This has caused me great surprise and wonderment, for I hoped that some regulation would first be formulated for the execution of the decree of the Most Excellent Assembly with regard to the leasing of missions. This was extremely necessary; for the decree is very indistinct, informal, and not well digested, as the difficulties of reducing it to practice have demonstrated at every step. I hoped that the intention might not be to operate with violence or to hurry the operation, no matter what the consequences. I had expected that, after so much affection and flattery as has been showered upon me, first the valuation of the missions would be obtained through experts, and that, finally, the estates would be let to the highest bidder; but I see that what should have been the last step is made the first.

"Likewise, I believed that the transfer, when it took place, would be restricted to the productive possessions.[11] By the absolute transfer, however, it seems to me the system of administrators is reintroduced with all its vexations and losses, which we know from experience. The said decree is put into execution without provisions regarding Divine Worship and its ministers. I, at last, see *that I have committed an error by yielding and concurring through love of harmony*

[10] Fr. Esténaga to Pico, July 2nd, 1845. "Archb. Arch." nos. 2302; 2303.

[11] Exclusive of the gardens, orchards, vineyards, church and priest's dwellings.

*and submission to the government,*[12] and that I can take no further active share in this matter, as I have done so far, because Your Excellency so desired. I therefore beg Your Excellency to consider me as having withdrawn as far as active cooperation is concerned, and that I shall content myself with being a purely passive spectator of what Your Excellency and the Most Excellent Assembly may judge expedient to resolve. Although subjects of this kind deserve to be treated officially, yet, mindful of the hint which, at one time, you have given me that we treat them confidentially,[13] it has seemed to me proper to comply. This does not prevent me from appreciating Your Excellency personally, or from standing ready to comply with your orders in every way possible to your friend and servant." [14]

It will be observed that the friars invariably manifested the utmost respect for higher State officials, even if such a governor, for instance, as in the case of Pico, proved personally and officially unworthy. The reason for this must be sought in the Catholic conviction that those in authority have their power from God. "Non est potestas nisi a Deo." [15] In addition, it must be borne in mind that in the Spanish dominions, whilst the unfortunate union of State and Church, as under-

[12] "Veo por fin que he padecido equivocacion en mis condescendencias y acuerdos por espiritu de harmonia y obediencia al gobierno." These words were underlined by Fr. Durán. It is strange that he should have put such trust in the sincerity of Pico. It is also clear that Pico's claim of having incorporated Fr. Durán's suggestions, which were on the lines proposed on page 348, in the decree of May 28th, is untrue, otherwise the Fr. Prefecto need not have lamented his "cooperation." He was deceived, and his simplicity, trust, and love for harmony were abused.

[13] Even if there were no better evidence from the pen of Pico himself, this would go far to show that his dealings were not all above board. How different from the writings and conduct of the friars whose lives are like an open book! It is to their credit that so little could be adduced against them that their enemies had to resort to calumnies in order to justify unworthy treatment of those unselfish missionaries.

[14] Fr. Durán to Pico, July 10th, 1845. "Archb. Arch.," no. 2307.

[15] "There is no power but from God." Rom. xiii, 1.

stood by the secular authorities, prevailed, kings, viceroys, and governors claimed a kind of semi-ecclesiastical jurisdiction over the ecclesiastics and religious.[16] Although, with Mexican independence, the State officials forfeited these claims, it appears the Spanish friars had not yet succeeded in regarding the higher governmental officers as men clothed with mere secular jurisdiction in secular matters. Hence we find Fr. Durán, in the same confidential tone, employing the same obsequious and reverential terms towards Pico that his predecessors had used in writing to viceroys and governors. He freely discussed ecclesiastical and private affairs just as candidly with Figueroa and Pico as did Fr. Serra with the noble Viceroy Bucareli. The Fr. Prefecto, indeed, neither wisely nor fraternally, for instance, communicated to Pico, a secular person, and one who had grievously injured the friars, an affront which he claimed to have suffered from Fr. Presidente José Jiméno, in that Fr. José in a circular to the Fernandinos had complained of being only presidente in name, entirely subject to Fr. Durán. The Fr. Prefecto wanted to censure Fr. José for this, but encountered such determined opposition from Fr. Antonio Jimeno, that he desisted.[17] In this case, knowing the man and what he had written to Hartnell about Pico six years previously,[18] Fr. Durán really lowered himself and his brethren by such imprudent candor and the lavish use of endearing adjectives in corresponding with the temporary governor. It was done "out of a spirit of harmony," doubtless, but he gained nothing for those whom he thereby intended to benefit, i. e. the poor neophytes.

Although the Fr. Prefecto's letter was couched in the most respectful terms, Pico saw that the writer was deeply annoyed. As yet, the temporary governor could not afford to abandon the hope of persuading the venerable head of the Fernandinos, who practically spoke for the Church in California, to acquiesce in the plans formulated, ostensibly, to "prevent

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[16] See Appendix G, volume ii, this series.

[17] Fr. Durán to Pico, July 21st, 1845. Pico, "Documentos," ii, 51-53. This is but a copy. The original has not been discovered.

[18] See page 182, this volume.

the extinction," in reality, to do away with the missions entirely. He accordingly, offered an explanation, and in such reverential terms,[19] that Fr. Durán appeared satisfied. At all events, he again replied, in the most obsequious language, that he would cooperate with the governor for the good of the country "out of a spirit of harmony," of course.[20]

Another, and perhaps just now the chief reason for yielding, besides feeble health and a desire for peace, was the conduct of the neophytes. Like the paisanos, generally, most of the Indians, at this stage, sadly failed to appreciate the efforts of the missionaries on their behalf. Fr. Durán, it will be remembered, had pleaded that the Indians of Santa Barbara should be permitted to retain possession until January. He now changed his plea. "I wish," he writes to Pico on August 1st, 1845, "and it is necessary, that the mission be transferred as soon as possible to the lessees, for our Indian brethren are behaving themselves very badly with the livestock and in the cornfields. They kill many cattle, even working oxen, and the corn they leave to the crows and blackbirds. If the renting should be delayed, the grapes also will be much exposed, owing to the puerile character of the Indians, who are in expectation of the coveted liberty. The comisionados [21] have taken ten horses away to the north. Commonly, these belong to those that have been put in the inventory. For that reason, this must not be included in the panegyric." [22]

"It has caused great surprise," Fr. Durán writes to Pico later, "that $200 has been charged by the comisionados for four days of work, which, as we see, has been worthless; for now the same work has to be done over again, just as though

[19] Pico could assume a most pious tone, which grew more deferential to the Fr. Prefecto as the period approached when he found it safe to disclose the real aim he had nurtured for the last sixteen years.

[20] Fr. Durán to Pico, July 18th, 1845. "Archb. Arch.," no. 2299.

[21] Andrés Pico and Juan Manso.

[22] "Por tanto esto no debe quedar comprendido en el Elogio." Fr. Durán to Pico, August 1st, 1845. "Archb. Arch.," no. 2309.

nothing had been done before." [23] Fr. Durán might well show amazement at seeing two comisionados appointed for a little clerical work that one could have performed just as well; but Pico had to provide for his friends. As long as there was anything to be squeezed out of the Indian mission property, the Pico clique would enjoy it under whatever pretext.

Andrés Pico and Juan Manso hardly improved their methods as they passed from mission to mission, judging from a letter which Fr. José Joaquín Jimeno, rector of the seminary at Santa Inés, addressed to the governor under date of July 29th, 1845. "The comisionados for the missions," he writes, "have concluded here as they saw fit. What they have put into the inventory, or what they left to be put in, I do not know; for, in this matter, I played no greater part than did the lowest Indian. I have never seen anything more exotic and strange in the way of making inventories, and in ceding or receiving property; for neither I, who surrendered it, had any share in it, nor any knowledge about many things done, nor does my signature appear in the inventory. Hence the transaction is null and void. About many things neither he who received the property, nor the comisionados themselves had any information. There may be various reasons for this precipitous proceeding, about which I should say nothing save that I protest against *the manner* in which the management of the temporalities was taken from me, but not for having taken it at all; for in this they have done me a favor." [24]

Meantime, the Mexican Government despatched a commissioner to California in the person of José M. Híjar, who, as director of colonization, had previously become unfavorably known in the territory.[25] He landed at Santa Barbara on June 8th, 1845, and immediately proceeded to Los Angeles,

[23] Fr. Durán to Pico, December 26th, 1845. "Archb. Arch.," no. 2312.

[24] "sino fuera para protestar contra el modo de quitarme la administracion de las temporalidades, no de haberme las quitado, pues en esto me han hecho favor." Fr. J. Jimeno to Pico, July 29th, 1845. "Archb. Arch.," no. 2314.

[25] See chap. xii, sect. ii, vol. iii, this series.

where, on the 11th, he presented his credentials and was welcomed by the temporary governor.[26] On June 12th, Pico communicated Híjar's appointment to the Bishop, and informed him that said commissioner-extraordinary had come for the purpose of composing the troubles in California. Híjar himself notified the Bishop on the same date, and, at the same time, asked His Lordship for his assistance. On July 31st, Híjar once more asked the Bishop for his advice.[27]

"Híjar had been selected," says Bancroft, "because of his knowledge of California, where his unpopularity, arising from the colony affair, was supposed to have died out . . . As he really had nothing to do but to announce the welcome news that the revolutionists had nothing to fear from Mexico, he met with no opposition whatever. . . . He did not meddle with politics beyond writing a few routine communications, and he died at Los Angeles on December 19th." [28]

In passing it may be noted that on June 27th, 1845, at the recommendation of Híjar, the legislative assembly nominated five candidates from whom the Supreme Government was to select the permanent governor. The names agreed upon were, in the order of preference, Pio Pico, Juan Bandini, Mariano G. Vallejo, José de la Guerra y Noriega, and Antonio M. Ósio.[29]

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[26] Bancroft, iv, 529; Hittell, ii, 364-365.

[27] "Escrituras Sueltas." The Bishop expressed his satisfaction to Pico on June 17th, "Cal. Arch.," Dep. St. Pap. vi, 489-490. "Libro Borrador."

[28] Bancroft, iv, 529-530. "El Señor Híjar pereció ayer, y hoy lo hemos enterado con toda la pompa que ha sido dable." Pico to Fr. Durán, December 20th, 1845. "Sta. Barb. Arch." Fr. Durán replied on December 26th: "I regret the death of Señor Híjar; may God have called him at a good hour. I would have rejoiced exceedingly to know that he died with all the dispositions with which a Christian ought to die in order to give this glory to God." "Archb. Arch.," no. 2313. Had Pico been a sincere Catholic, he would have hastened to assure Fr. Durán of the Christian death of Híjar. The pomp displayed could not interest a priest apart from that serious circumstance. As it is, we are in doubt still.

[29] "Cal. Arch.," Dept. St. Pap., San José v, 404; Hittell, ii, 367; Bancroft, iv, 530.

The legislators then proceeded to reorganize the territorial supreme court. It was resolved that it should consist of two judges and a fiscal. These were to be appointed by the governor from candidates proposed by the assembly, and to receive an annual salary of $2000 each. Minor officials might be appointed by the court, which was to consist of two chambers, and to try cases of the first and second instances respectively, in accordance with the law of May 22nd, 1837. "As the court seems never to have performed any of its duties," Bancroft remarks, "it does not appear necessary to specify those duties more fully," nor to mention the names of the appointees.[30]

The territory was next reapportioned into districts and partidos. The act passed on July 4th, and published by Pico on July 5th, 1845, divided California into the districts of Los Angeles and Monterey. The former, subdivided into the three partidos of Los Angeles, Santa Barbara and San Diego, extended from the early northern limit of Mission San Luis Obispo to the former southern boundary of Mission San Diego. Monterey district, with the two partidos of Monterey and Yerba Buena (San Francisco), extended from the former southern limit of Mission San Miguel to the northern boundary of the territory and included the settlements on the Sacramento. At Monterey, there was to be a prefect with a salary of $1500, and a secretary enjoying a salary of $600. In each partido of the territory or department, there was to be a sub-prefect with a salary of $500, except the one at Los Angeles, who received $600. The new officials were to be governed by the regulations of March 20th, 1837, when not in conflict with the constitution and the decree just adopted. Manuel Castro, nephew of Pio Pico, and cousin of the military commander, José Castro, was made prefect of the Monterey district. He assumed his office on August 2nd, 1845.[31]

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[30] Pico, "Bando sobre Ereccion de Tribunales," July 5th, 1845. "Cal. Arch.," Dept. St. Pap., Angeles x, 246-248; Bancroft, iv, 532; Hittel, ii, 369.

[31] Pico, "Bando Dividiendo el Departamento," July 5th, 1845. "Cal. Arch.," Dep. St. Pap., Angeles x, 245-246; 249-250; Hittell, ii, 368-369; Bancroft, iv, 533.

Before we proceed to describe the last stage in the destruction of the missions, it will be necessary to take a view of the condition of the diocese in order to bring ecclesiastical affairs up to the date of the narrative. The severest trials of the Bishop, now, as ever since the Mexican Government had failed to keep its promises, came from the lack of means to provide the people with priests and the priests with subsistence. The income from tithes not nearly sufficed. Even this pittance was given grudgingly by most settlers, and denied altogether by not a few like the malcontent Mariano Vallejo. Nevertheless, the inconsiderate paisanos demanded that priests should be at hand whenever wanted. Recruits from Mexico not being available, the difficulties increased every time a friar was incapacitated or died at his post. One priest frequently had charge of a district which, during the mission period, enjoyed the presence of from four to six missionaries. For instance, the friar stationed at Santa Clara had to attend his mission, the town of San José, Mission San José, Mission San Francisco, and, in an emergency, he was expected to visit Sonoma. When this Father fell sick, the Bishop, taking into consideration the larger number of souls and stations, and, perhaps, to teach the Montereyans a needed lesson, transferred Fr. J. M. Reál from the capital to Santa Clara, leaving Monterey without a priest.

This arrangement displeased the Montereyans so much that they appealed to the governor. Micheltorena, then at the head of the territory, himself a prominent member of the parish, brought the grievance of the people to the notice of the Bishop in the following letter which explains itself. "Your Lordship," [32] the governor wrote, "I have the honor to transmit the original communication which the honorable town council of this city submitted to me, together with the enclosed letter of the Rev. Fr. Antonio Reál, in order that Your Lordship may be pleased to take note of its contents. I cannot do less than to remind Your Lordship that for many years, during which the Rev. José M. S. del Reál discharged his ministry

[32] We give the simple English equivalent for the rather extravagant titles common in Mexico and Spanish countries.

here with a truly apostolic zeal, he subsisted and served in this city and its jurisdiction with affability, promptness, and exactness, and received no emoluments whatever. Depending upon the piety of the faithful, it was noticed that he would employ in the church and Divine Worship the very little he might receive without burdening any one. He was much beloved and respected for his eminent qualities. This population is not able of existing without a priest, as there are one thousands souls, besides the three hundred men that compose the troops, and it is being threatened with a probable war. Some have already died without the aids of holy Religion; and this very day three soldiers have been mortally wounded in a quarrel. They ask to make their confessions, but there is no priest.

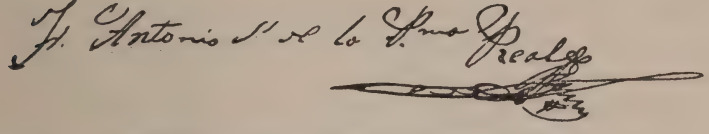
"This government, complying with its duty, makes known to Your Lordship all this which demands extraordinary action. We have been without holy Mass several Sundays, the reason for which it would be unbecoming to inquire of Your Lordship. While I relieve my conscience by means of this respectful manifestation, I expect your reply, be it what it may, that you should be pleased to dispose in view of what has been said." [33]

The letter of Fr. Antonio Reál, to which the governor alludes, was addressed to the town council of Monterey. It drove home the condition of this oldest parish in the diocese in the following manner: "Illustrious Ayuntamiento: At the request of the Fr. Presidente,[34] I have come to this church of Monterey in order to celebrate holy Mass; but I have found no habitation where I might stay. For this reason, I was obliged to go to a private house to pass the night, a manner of lodging forced upon a pastor which is not becoming. Therefore, I retire in order to report to my Superior. Meanwhile, it would be well for the Illustrious Ayuntamiento, in accord with the governor, and likewise in accord

[33] Micheltorena to Bishop Diego, August 27th, 1844. "Cal. Arch.," Dept. St. Pap., Monterey iv, 264-265; "Escrituras Sueltas."

[34] Fr. Antonio Ánzar, of the Zacatecan or Mexican friars.

with the whole population, to erect a house for the priest and furnish it with everything necessary for the service of the pastor, as well as with what is necessary for the church, sacristan, etc. Such a house, it seems to me, is to the purpose, and it must adjoin the church. As soon as this has been done, and all is ready, I am the first to offer my inutility, if the Superiors should so dispose. Otherwise, they can oblige



Signature of Fr. Antonio del Suarez del Reál.

no friar to serve; for in no manner does it become a priest in charge,[35] neither for his business affairs, nor for his rest and tranquillity, much less for the exercise of his ministry, to impose himself upon any one and so become burdensome; nor would it be to the credit of the population, which is in justice bound to furnish its priest with a decent habitation and everything necessary, so that he may not occupy himself with anything else save what concerns his sacred ministry. Such has been the custom in the holy Church from the time of the Ancient Law. It is a custom so ancient and so just that even less civilized and Protestant nations have observed it to the letter. God keep you many years. Monterey, August 18th, 1844. Fr. Antonio Suárez del Reál." [36]

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[35] Ordinarily and permanently. In small mission stations, where there is no alternative, the priest accommodates himself to circumstances.

[36] "Escrituras Sueltas." It will be noticed that the Mexican, or Zacatecan, friars stood in far less awe of unjust officials than the Spanish Franciscans. For that reason they were cordially disliked by the paisano chiefs, notably by Vallejo, who appeared to be of the opinion that freedom of speech was the exclusive privilege of unscrupulous politicians, and certainly not to be accorded to the messengers of the Gospel, who, after the manner of St. John the Baptist, might annoy sleeping or feeble consciences. See observations on pp. 385-386.

The reply which the governor received from the Bishop pictures the condition of the Church in California so graphically that we reproduce it. "Most Excellent Sir," Bishop Diego wrote under date of September 6th, 1844. "From Your Excellency's note of August 27th, last past, I have seen with sorrow that the worthy population of Monterey has been and is without a priest, and therefore lacks Divine Worship and the succor so important in their spiritual need. When I determined to remove Fr. José M. Reál, it was for the purpose of supplying greater want elsewhere by having a charitable and active priest relieve a sick Father, and letting him minister to the people of San José, Santa Clara, San Francisco, Mission San José (whose priest is unable to serve on account of his infirmities), and, in case of necessity, also at San Francisco Solano. This, truly, is a heavy task owing to the many ranchos and the well-known distances, a task which formerly could scarcely be accomplished by four missionaries.

"While taking this resolution, I remembered my esteemed diocesans of the capital very well; for I had determined to recommend to Fr. Presidente Antonio Ánzar of San Juan Bautista the people of Santa Cruz and adjoining ranchos, and, to my grief, leaving Santa Cruz meanwhile without a priest, I had determined to transfer Fr. Antonio Reál from there to Monterey. I did this under the supposition that he would maintain himself there in misery and poverty, by means of alms, as did his brother,[37] and that he would find a good reception in that religious community, which, when enlightened as to its duties, would furnish a decent living; but I have learned that, when he went there to exercise his ministerial duties, he found himself without so much as a house in which to live, and without the necessary means to subsist! In view of this, what shall the Bishop do? What official steps shall he take? Shall he oblige his priests to go and suffer and die of starvation, or expose themselves to the mendicancy unbecoming their state? Shall he compel them to—but let that pass. Your Excellency knows very well that I can neither

[37] "creyendo se sostendria allí, como su hermano, con miserias, pobreza, y limosnas."

subject them to such sacrifices, nor must they obey any such unjust order so opposed to natural rights.[38]

"Everywhere they demand priests of me, but most people do not want to offer anything for their support. While the mission system obtained, the missionaries needed not to burden the faithful with their support, for they maintained themselves at the missions. Thus the town of Monterey was always attended by the missionary of San Carlos, and without compensation; but now, when that system has ceased, what is to be done? How are the spiritual necessities of the faithful to be satisfied?

"Most Excellent Sir, I find no other way than the one proposed, which is the one that has been practiced among all nations, even among those not Catholic. It is that the children of the Church themselves support their priests in a decent manner. They ought to regard the execution of this obligation as an honor to themselves, and they should glory to be able to distinguish themselves in this manner, and not to cede this obligation to any one.

"I say obligation, because it is such, and a most grave one from every point of view. Every one knows that it is a Divine Law ratified in all centuries by the laws of the nations, as is not hidden from the vast knowledge of Your Excellency. All nations, all even idolatrous peoples, have honored, supported and appreciated their priests. All have erected magnificent temples for the worship of the Most High, or of the deities which they regarded as such. All have cheerfully expended large sums of money, and have assisted according to their means for the splendor and glory of their Maker and Benefactor, who has granted them what they possess.

"Only my diocese has never complied with this most sacred obligation; for the few churches that exist are due to the loving efforts of the Franciscan founders and to the labors of the unfortunate neophytes, now reduced to utter misery, dispersed and separated from the establishments organized for their sake. Let Monterey and all the settlements in my diocese

[38] "V. Exc. bien sabe que ni yo puedo estrecharlos á estos sacrificios, ni ellos deben obedecer unas ordenes injustas, y opuestas al derecho natural."

arouse themselves, and let them be persuaded that if they must have Divine Worship, if they must have those who guide them, hear their confessions, and assist them at the hour of death; if they desire that the holy Sacraments be administered to them, so that they can live as they ought, it is necessary that they comply with this obligation which God Himself imposes. It is necessary that they make some little sacrifice from the possessions which the Lord Himself bestowed upon them. It is necessary that they honor and support His ministers decently.

"In short, I find myself compelled to appoint a pastor for those souls, perhaps a secular priest; but if he have not wherewith to subsist, what shall I do? I shall tell him to leave and abandon that town, which wants no priest inasmuch as it will not supply the living.[39] In doing this, I shall do nothing else than conform myself to the precept of the Lord, and the honored laws of the Church.

"I supplicate and beseech Your Excellency to call a general meeting of the people of Monterey, and have this letter read to them. Your Excellency may tell them to devise means the least burdensome in order to assure a living to the priest whom I shall assign them. I could, indeed, in conformity with the practice of all Bishops, draw up parochial fees; but I do not want to do this. What I want and desire is, that the inhabitants of Monterey choose a plan and let me know what suits them best, so that I can approve or reject it, bearing in mind that what may be determined upon by that town, if it is just, I shall extend over both Californias, because it would be monstrous not to have uniformity in the same diocese." [40]

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[39] "Le diré que se salga y abandone ese pueblo que no quiere ministro, pues que no le proporciona su subsistencia. Y obrando asi no haré otra cosa que conformarme con los preceptos del Señor y las respetables leyes de la Iglesia." The Bishop doubtless had in mind Deuteronomy xxv, 4; Matt. x, 10; Luke x, 7; Acts xiii, 51; I Cor. ix, 7; Tim. v, 18.

[40] Bishop García Diego to Micheltorena, September 6th, 1844. "Libro Borrador"; "Escrituras Sueltas."

## CHAPTER XII.

Bishop Diego to Pico on the State of His Diocese.—Threatens to Leave the Territory.—Propositions.—The Supreme Government. —Friendly to the Bishop, but Powerless.—The Bishop's Attorney.—His Efforts in Behalf of California.—Decree Restoring the Pious Fund.—Rodríguez's Report.—Results.—Herrera Elected President.—Public Prayers Requested.—The Bishop's Representations to Commissioner Híjar.—His Memorial to the President.—Asks for Priests.—Several Friars Depart for Mexico.—Fr. Antonio Reál's Petition.—Death of Fr. Juan Moreno. —Ordinations at Santa Barbara.—The New Priests Assigned.

THE condition of the Church in California, described in the preceding chapter, scarcely improved with the accession to power of the revolutionist Pio Pico, as may be inferred from the following lament addressed to the temporary governor five months after the expulsion of Micheltorena. "I have the honor," the Bishop writes, "to reply to Your Excellency's favor which from the tenor only, and from the letter of the Father at Monterey, which was enclosed, I can recognize as Your Excellency's, since it comes to me without signature, and has been under way from June 18th to this 4th day of July. In this letter, Your Excellency urges me to establish in my diocese a fee system in behalf of the parish priests, Your Excellency believing it to be of the utmost necessity. I also believed as much since I came ashore here, and observed the many privations which the priests had to suffer, and still endure, since the mission system, by which the missionaries, as well as Divine Worship, were supported, has been abolished.

"Your Excellency and all Californians as eye-witnesses can testify that churches have been built, sacred vessels purchased, precious vestments, pious images, and whatever was necessary for religious services, have been procured for these Catholic people. All have seen that the missionaries never burdened the faithful with any contributions for those worthy purposes, that, likewise, the missionaries served gratis all who ap-

proached, and that at all hours they were disposed to assist within the sphere of their ministry. The faithful have been accustomed to this from childhood, and I would gladly continue this benevolent and charitable method, which gains the good will, and prevents the ministers of the living God from incurring the ill will of those who seek only earthly interests as their ultimate end. It also shelters the ministers of God from the cavils of the impious.

"Four years have passed by since I began to govern this new diocese. During that time, oh, what has my heart suffered!! No, no! One letter, however lengthy, is not sufficient to describe in detail the causes of my grief. San Solano, San Rafael, San Francisco, San Antonio, San Juan Capistrano, etc., are without priests! How can a pastor see his children, his beloved sheep, dying without confession, without the last indispensable succors? How must it not penetrate my vitals, and pierce my soul, to contemplate the many who die without Baptism, or the long time that may elapse before the children can be brought to where a priest lives, or before the priest can reach those abandoned places? Could I rest easy when I behold the multitude of unhappy Indians who, on account of the ruin of the missions, have given up attending religious instruction, holy Mass, the Sacraments and every act of Religion, and who, having joined the savages, already live as they do, or even in a worse manner; and who, demoralized as they are, have given themselves to robberies, drunkenness, murder, and every kind of licentiousness? Could I remain indifferent while I think of these multitudes who die in this wretched state? Whose heart can behold such a number of gentiles, who surround us, but whose felicity I cannot promote for want of the means that were on hand during former periods? Could I sleep tranquilly, knowing that I cannot even make my paternal visits in all parts of California, because, neither in San Francisco nor at San Solano, would they offer me the hospitality[1] which I should have received if priests

[1] Mariano Vallejo, in control here, bitterly opposed the Bishop.

were there as formerly? No, there will be a missile to pierce me.[2]

"However, it is better to stop my pen, otherwise there would be no end to my painful complaints and sufferings. Now what is the remedy for my troubles? and in such tempestuous times? Is there no presage of serenity or consolation? Ah! Does Your Excellency want me to tell with the candor that is characteristic of me, what I feel? Does Your Excellency want me to give my opinion clearly? Well, if so, I tell you that I hope nothing from human aid, for this diocese exhibits mortal symptoms. I behold this my beloved diocese in the same condition as a sick man who takes not the medicine and scoffs at the most skilful physicians.

"Without funds, without tithes (because many do not want to pay them), without priests, and without hope that any may want to come, since they are aware how those fare who are here, without schools and without the means to establish them, in short, without anything upon which to base hope, it is impossible to advance, and so the diocese is on its way to destruction, as I have represented to the Supreme Government, and shall report to the Holy Father in order that he may think of giving me a successor.[3]

"However, the arancel or fee system, will it not remove some of the evils from this diocese? No, Sir. It will not furnish relief, of this I am certain. It will not afford relief. Santa Barbara, which is one of the most populous towns (not counting the Indians), has had in the last year fifty-five Baptisms, four marriages, and twenty-six burials. The tariff of

[2] "porque no se me ofrecieron hospedage, ni en San Francisco, ni en San Solano. . . No, será dardo que me atraviesa." The author was told at Monterey that a Voltairianized paisano or Mexican fired on the Bishop. The story could not be traced, but the Bishop's statement corroborates it, and this must have materially added to the shortening of his days. So the tirades of Vallejo and his kind had already taken effect!

[3] "va caminando á su destruccion, como se lo tengo dicho al Supremo Gobierno, y se lo diré al Santo Padre para que se piense en darme un sucesor." Pico, if he had any conscience left, must have winced at the description of the havoc he had produced.

the Diocese of Guadalajara, which is the lowest, prescribes for each Baptism (not including desired pomp) eighteen reáles;[4] for an ordinary marriage, seven dollars, besides the gifts for the candles, the attendants, and for the use of the rings and tokens to the bride. In addition, for each announcement four reáles are offered, so that an ordinary marriage costs eight and one-half dollars. For an ordinary burial the tariff prescribes six and one-half dollars.

"According to this, supposing all had paid these fees, what would be the result? The population of Santa Barbara in the preceding year would have produced an income of only $326.75! Can a parish priest maintain himself and the divine services at his church with such a paltry amount? If then Santa Barbara under the fee system can not support a pastor, what about the smaller places? Could they support him? Evidently not. One after another the Fathers will have to depart in order to go where they can live without so much hardship. After they have gone away, or perhaps before, the Bishop will depart in order to render an account to His Holiness. He will likewise inform the public by means of a manifesto which will demonstrate the impossibility of maintaining a diocese here, and that he is innocent of its fall and ruin which I already foresee."[5]

"Nevertheless, inasmuch as to a person hopelessly sick every remedy is applied, although its uselessness is evident, so I will have the remedy of the fee system administered to this sick diocesan body. In order then that Your Excellency may address yourself to me officially in accord with the community; and in order that all may understand that, if I consent, it is

[4] A reál is equivalent to twelve and one-half cents. Hence, the stories itinerant sectarians retail about the prohibitive fees of the Mexican clergy appear to be so many lies. It is the pomp, which the Mexicans demand, but which is not in the ritual, that adds to the expense.

[5] "Que se irán despidiendo los padres uno tras de otro para irse adonde puedan vivir alimentados y sin tanto trabajo. Y despues de ellos, ó tal vez antes, se irá el Obispo para dar cuenta á Su Santidad, y tambien al publico por medio de un manifiesto, que haga ver la imposibilidad de que esto pueda ser obispado; y que no estuvo en su caida y ruina, que tengo ya prevista."

on the petition of those same citizens, Monterey, San José, Santa Barbara and other places must ask me to introduce the parochial fees. For that purpose those communities must make the requisite representation to me." [6]

Pico must have acted upon the Bishop's proposition at Los Angeles, for he notified his Lordship some time later that the people there favored the arancel, or fee system, on condition that the town received a parish priest and might establish certain rights.[7] In reply, the Bishop explained to the governor that, as much as he desired to station a priest at Los Angeles, he could not comply with the demand because no secular priest was available, and as for the two Franciscans at San Gabriel, one was old and the other too feeble.[8] What steps the other white settlements took in order to provide for a priest, is not known.

Meanwhile, in lieu of the salary and the revenues from the Pious Fund, the Mexican Government supplied the ecclesiastical head of California with decrees and friendly notes, which at least manifest good will, and may imply that, if the Government itself were not so hard pressed for funds, the Bishop would receive what was now utilized to promote governmental measures. Thus, according to the "Libro Borrador," or the Bishop's Blotter, Bishop García Diego on July 16th, 1845, thanked the Minister of Justice for the friendly sentiments expressed by the President ad interim. On the same

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[6] Bishop Diego to Pico, July 4th, 1845. "Cal. Arch.," Dept. St. Pap. vi, 491-494; "Libro Borrador." The Father mentioned in the beginning of the Bishop's letter was Fr. Antonio Reál, who on May 28th, 1845, declared that, because there was no justice in Monterey, the arancel should be introduced. "Que por no tener justicia en Monterey, pide que todos los Ministros se encarguen de recibir las obvenciones, valor de entierros, casamientos, bautismos, etc., de acuerdo al arancel que les mande el Obispo." "Cal. Arch.," Dept. St. Pap. vi, 399. See his letter in preceding chapter.

[7] "Como un bien necesario á la conservacion de nuestra Salvadora Religion, se conceda por V. S. Y. el arancel de parrocos á esta ciudad capital." Pico to Bishop Diego, September 18th, 1845. "Escrituras Sueltas."

[8] Bishop Diego to Pico, September 21st, 1845. "Libro Borrador."

date, to the same official, the Bishop manifests his anxiety for the mother country, then threatened by Los Estados Unidos del Norte, and promises to remember her in his prayers. On the same July 16th, in a note to the Minister of Relations, the Bishop thankfully acknowledges "dos memórias," which in mission times meant the list of goods forwarded to the missions, but now was just so much paper. Likewise on July 16th, 1845, he reports to the Minister of Relations the receipt of decrees dated respectively January 18th, 25th, and 30th, March 5th, 26th, and 29th, and April 22nd, 1845. To the Minister of the Treasury the Bishop writes, on July 16th, that he has received the decrees dated February 19th and 22nd, March 1st, 5th, 18th, and 27th, and April 3rd and 10th, 1845.[9] Instead of all this paper and these words of good will, how the helpless Bishop must have sighed for some substantial proof of the good disposition which would have enabled him to extricate himself from the labyrinth of difficulties!

Bishop García Diego naturally kept his attorney in Mexico informed on the distressing situation in the Diocese of California, and Don Juan Rodríguez de San Miguel made every possible effort to induce the Mexican Government to redeem the promises on the strength of which California had been given a Bishop; but all that Don Rodríguez had obtained "on account of a greater amount due the Pious Fund of California incorporated into the public treasury," [10] was the paltry sum of $603, which was paid him in virtue of an order dated September 28th, 1844.[11]

Once more, March 22nd, 1845, Don Rodríguez approached the Government in behalf of the Bishop and California. In a memorial to the President, he graphically pictured the deplorable conditions in the territory, the former grandeur of

[9] "Libro Borrador."

[10] "en cuenta de mayor suma que se adeuda al fondo piadoso de Californias por reditos del monto de sus bienes incorporados al erario."

[11] "Documentos Relativos al Piadoso Fondo de Misiones," por el Licenciado Juan Rodríguez de San Miguel, Mexico, 1845, p. 51, no. 18.

the missions, the present abject poverty of the Bishop, the privations of the surviving missionaries and neophytes, and the decay of the mission buildings, all of which was the result of neglecting to pay the revenues from the Pious Fund which of right belonged to the missions. He furthermore showed that, in virtue of government promises, there were due the Bishop $16,000, and to the missionaries and their missions from the Pious Fund, $109,000; but that, in the last three years, he had received for them only $603, a state of things most discreditable to the republic.

"I have," Don Rodríguez closes his energetic memorial, "several times molested the Supreme Government, and I have supplicated it to allow the payment not of the whole amount, but of only a small sum, on account of the enormous sum due to the Pious Fund from the tobacco revenues, in order to relieve the most pressing wants. It would be imprudent, under the present conditions in the republic, to demand the whole revenue due from the most notable estates of the Pious Fund, which exceed $600,000 in value, and which, at six per cent., for the last three years would reach a very large figure. Nor is a considerable part expected." [12]

In consequence, doubtless, of this urgent appeal, the Mexican Congress enacted the last decree of which there is knowledge on the subject. It was published on April 3rd, and reads as follows:

*"Law: On the Restitution of the Interests and Property of the Pious Fund of the Californias.*

"The Most Excellent President ad interim [13] has been pleased to forward to me [14] the following decree:

"José Joaquin de Herrera, Division-General and President

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[12] "Documentos Relativos al Piadoso Fondo," pp. 53-58, no. 22.

[13] President Santa Anna was in the field trying to overcome revolts. Herrera, the president of the council, on December 5th, 1842, assumed direction of affairs in accordance with the constitution. Bancroft, "Mexico," v. 272.

[14] Apparently Luis de la Rosa, Ministro de Hacienda. Bancroft, "Mexico," v. 282; "Documentos Rel. al Piad. Fondo," 58-59.

ad interim of the Mexican Republic, to the inhabitants thereof:

"Know ye that the Congress General has decreed and the Executive has sanctioned the following:

"The assets and other properties of the Pious Fund of the Californias which may remain unsold, shall be immediately surrendered to the Rt. Rev. Bishop of that See and to his successors for the purposes of which Article Six of the Law of September 19th, 1836,[15] treats, without prejudice to what Congress may resolve with regard to the property that has been alienated." [16]

"I solicited," Don Rodríguez relates in his Documentos, "from the Ministro de Hacienda that in the meantime it be resolved to give me an order for one thousand dollars, that is to say, the contribution of $580 which I indicated, and $420 on the customhouse. On the same day, then, I was handed the following order for the first sum, and I believe they will give me the other amount of $420:" [17]

"Ministry of the Treasury.—Section—No. 155. Don Juan Francisco Pacheco having agreed to the representation of Don José Maria Flores to furnish for the urgent needs of the Rt. Rev. Bishop of the Californias, Don Fr. Francisco García Diego, the sum of $580, which ought to have been paid by the ordinary contribution from the rural estates under the administrations of Pachuca and Zumpango de la Laguna, His Excellency, the President ad interim, has been pleased to dispose that said $580 delivered to the attorney of said illus-

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[15] See page 187, this volume.

[16] "José Joaquín de Herrera, General de Division y Presidente interino de la Republica Mexicana, á los habitantes de ella, sabed: Que el Congreso General ha decretado y el Ejecutivo sancionado, lo siguiente: Los creditos y los demas bienes del fondo piadoso de Californias, que existan invendidos, se devolverán inmediatamente al Reverendo Obispo de aquella Mitra y sus succesores para los objetos de que habla el art. 6 de la ley de 19 de Setiembre de 1836, sin perjuicio de lo que el Congreso resuelva acerca de los bienes que están enajenados."—"Foreign Relations," Appendix II, 210-211; 349.

[17] "Documentos," ut supra, p. 58, no. 23.

trious Bishop, on account of the greater sum which is due to the Pious Fund of the Californias from the revenues of the capital incorporated into the treasury, shall be charged to said Pious Fund, etc." [18]

"From all that has been said," Don Rodríguez closes his exhaustive report on the subject, "it will be seen what efforts have been made before the Government in order to secure the payment of even a part of the revenues; but everything was in vain, save that after repeated appeals from the $109,000 due, the ridiculous and wretched sum of $1183 was obtained." [19]

Congress and the President of Mexico had, indeed, decreed the restoration of the Pious Fund and its revenues to the Bishop of California; but, like most decrees on the subject, this one remained ineffective. "There are extant no figures to show what property, if any, was turned over to the Bishop's agents under this decree," Bancroft writes, "nor is there any record to show additional payments in 1845-1846 of interest due from the government on the proceeds of past sales." [20] Likewise, the official report of the case before the Tribunal of The Hague declares: "We are unable to learn that any property whatsoever was turned over to the Bishops or other action taken because of or consequent upon this law." [21]

Doubtless, the Herrera administration intended to stand by the decree of April 3rd, but, although he had been acting President since the spring of 1842, and though Congress, on September 14th, 1845, after counting the votes cast at the late election, declared Herrera duly elected Constitutional President of Mexico, and installed him two days later, a revolt compelled him to resign on December 30th of the same year. War with the United States on account of Texas, and the occupation of California by the Americans in 1846, rendered

[18] "Documentos," ut supra, pp. 58-59, no. 23.

[19] "Documentos," p. 59, no. 23.

[20] Bancroft, iv, 554.

[21] "Foreign Relations," Appendix II, 211.

the restoration of the Pious Fund Estates impossible. For the final disposition of the Fund, the reader is referred to volume first.

The action of the Congress and President of Mexico was officially communicated to Governor Pico under date of April 9th, 1845, by the Minister of Foreign Relations. At the same time, indicative of the spirit of the Herrera Cabinet, the Minister of Relations through Pico petitioned the Bishop of California to offer up public prayers for the welfare of the Mexican republic. Pico, seconding the minister's request for public prayers, notified the Bishop on September 12th. The latter replied, under date of September 21st, that he had long before instructed the clergy to make public supplications, and to insert at holy Mass the prayer for the necessities of the commonwealth.[22]

While the Supreme Government in Mexico was urged, and finally adopted the measures just related, Hijar, its commissioner in California, on July 31st, 1845, encouraged the Bishop to make known through him the wants of the diocese. On August 8th, Bishop Diego, accordingly, transmitted to Hijar a long and pathetic exposition of the afflictions which had visited his flock, and for which he blamed two causes: the destruction of the beneficent mission system and the annexation by the Supreme Government of the Pious Fund Estates. These two principal causes cut off the resources of the Church in California, and rendered it impossible to provide the people with priests and the latter with the means of support.[23]

The announcement that the Mexican Congress had decreed the restoration of the Pious Fund to the California Church, of course, gratified Bishop García Diego; but such a decree

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[22] "Escrituras Sueltas";—"Cal. Arch.," Dep. St. Pap. vi, 500-501. On the very next day after accepting the office of Acting-President of Mexico, December 7th, 1844, Herréra had Minister of Justice I. de Iturbide, issue a circular asking "rogativas públicas y acciones de gracias al Todopoderoso por el termino y en el tiempo que estime conveniente implorando sus divinos auxilios para el restablecimiento y consolidacion de la paz general de la Republica."—"Escrituras Sueltas."

[23] Bishop Diego to Hijar, August 8th, 1845. "Libro Borrador."

had been passed before, only to be revoked. He doubtless entertained some misgivings, and thought it wise not, as Pico had suggested, to rejoice too early.[24] At all events, money was not the only necessity that demanded attention. A more serious matter was the dearth of priests. The Herrera administration having proved friendly enough to right one grievous wrong, it was possible that it would lend its aid to remove the other difficulty. The Bishop, accordingly, addressed to President Herrera a long and pathetic "Representacion," which, in substance, is as follows:

"Most Excellent President: From the time I received the Bulls which gave me charge of the new Diocese of California, I endeavored to enlist priests and ecclesiastical students. Of the latter class only five accompanied me, including two friars from the College of Guadalupe. With the permission of the Government, granted September 22nd, 1841, I intended to secure missionaries from Europe, but had to desist, because a few days later, October 19th, Santa Anna revoked the permit. Regretfully I came here nevertheless; but what was my consternation when, on my arrival, I beheld the havoc which the destruction of the missions had wrought in only five years! I never would have believed that things could have come to such a pass. Certain it is, Most Excellent Sir, the ruin is irreparable. All the missions in their lands are destroyed, some also in their buildings, and others are entirely deserted. Of the neophytes some have returned to their savage tribes, others are scattered in the towns and ranchos, though many still remain in their old homes; but almost the majority live in such wretchedness and moral corruption that it must arouse the pity of the most insensible.[25]

"In both Californias, through the mission system, numerous barbarous tribes had been induced to live together and lead a civilized life without burdening the local authorities. More than forty churches [26] had been built and supplied with every-

[24] Pico had proposed thanksgiving services. Hittell, ii, 386.

[25] "casi los mas viven en tal miseria y corrupcion de costumbres, que pueden excitar á compasion aun á los mas insensibles."

[26] in both Upper and Lower California.

thing necessary for Divine Worship, which it was the special care to carry on with all possible decorum. Under the shadow of the missions, towns and many ranchos of white settlers arose, whose spiritual needs were attended to by the missionaries without having to make the least compensation to these priests. While the mission system prevailed, this Alta California was an especially happy country: wealthy, beautiful, flourishing and progressing; but an end was put to the contentment in 1834, and, since then, this is a land of privations.[27] The priests have considerably decreased, and there are no others to take their places. Divine Worship, for that reason, and because of the abolishment of the mission system, is threatened with complete ruin.

"In effect, some churches have already been closed, others are on the eve of closing. Very many Indians and settlers have no priest to administer the Sacraments, not even in the terrible hour of death. The Fernandinos, whose jurisdiction extends over a territory one hundred and twenty leagues long, and comprises the missions of the south, number only eight mostly aged and feeble priests. The Zacatecans, in a territory of eighty leagues, embracing the missions of the north, have one aged friar, two who are inefficient on account of habitual infirmity, and two able-bodied priests, besides the friar who serves me as secretary and one other who acts as professor at the seminary. Would to God that but these five might remain! but I know that two or three are in possession of an order from their Fr. Guardian to retire to the College of Guadalupe, and only await an opportunity for sailing. In Lower California, in a territory of five hundred leagues in length, the Dominicans have only five priests! With such a clergy, of which, ere long, only one-half may remain, how can I maintain Divine Worship, religious instruction, and the administration of the Sacraments in a population scattered over seven hundred leagues? Yet, without Divine Worship, how can Religion flourish? and without Religion how can morality exist? and without them what people can subsist?

[27] "Desde entonces ésta es una tierra de privaciones."

"Most Excellent Sir, this dreadful ruin which threatens both Californias; this sad picture of my diocese, which I herewith present, has not departed from my vision since the day I entered the territory. Whithersoever I turn mine eyes I find no consolation nor solid hope. How shall I replenish the ranks of the clergy, and how support them? Can a clergy be raised here? No, for the seminary, which with wretched means I have started, offers no hope of prosperity. The attendance is reduced to a small number of boys, whom with some hardship I must clothe and feed, and the education, for want of professors and funds, cannot be as thorough as I might wish. Shall I procure priests from the dioceses of Mexico? I do not believe they have any to spare; but even if they abounded, what suitable individuals among that clergy would abandon their relatives and native country for a region so remote and so full of privations and perils? Who would want to surrender his assured living in order to join a diocese which has not a single ecclesiastical benefice; and where, from the Bishop down, all are destitute for want of a fixed income? The zeal of a St. Paul would be required to bear with so many difficulties. Although I have the highest regard for the clergy of the republic, if there is no one to move and enlist them, if I have not the funds to bring over those who might volunteer and meet my approval, how can I secure them? Even so, I do not believe that I should succeed in obtaining one-fourth the number needed here.

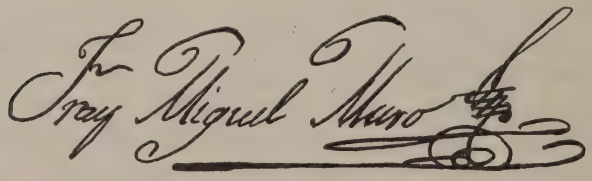
"Shall I obtain priests and missionaries from Europe? There are many who by reason of their religious profession desire to emigrate to remote countries in order to extend and foster the Faith of Christ. I doubt not that the least sign from Your Excellency would enlist the missionaries of St. Vincent de Paul or other religious, if assured of a moderate subsistence.

"I therefore earnestly supplicate that, for the sake of the Catholic Religion in this territory, for the reestablishment of good morals, and for the peace and prosperity of this department, Your Excellency have twenty or thirty missionaries, distinguished for virtue, zeal and learning, invited to this diocese from France, Italy or other parts of Europe, assuring

them of sufficient support from the Pious Fund, which the Supreme Government has obliged itself to restore. Two of said missionaries would be selected for the seminary, some for the existing missions and pueblos, and the rest would be destined for the founding of new missions among the remaining savage tribes." [28]

It is extremely doubtful whether the President would have acceded to the Bishop's petition, even if it had reached him before December 30th, when Herrera surrendered his office to more ambitious and less friendly men. As it was, nothing came of the appeal.

What the Bishop dreaded came to pass two months later. The Zacatecan Fathers Miguel Muro of Mission San José, José M. Gutièrrez of Mission San Antonio, and Antonio Reál of Monterey departed for Mexico towards the end of



Signature of Fr. Miguel Muro.

November 1845. Governor Pico made some effort to detain them by urging them to consider the damage that would result from leaving the people without priests. Unfortunately for Pico, the fact stood out plainly that it was he, chiefly, who had striven to break the influence of the missionaries, had rendered their labors for good useless, had made it next to impossible for them to live, and thus disheartened the most zealous. Pico's arguments might well have been turned against Pico. If he had been interested in the progress of Religion and the spiritual welfare of the people, especially of the Indians, he could have foreseen the disastrous consequences of his senseless animosity to the missions and missionaries; and then he would have exerted himself to main-

[28] Bishop Diego, "Representacion," September 27th, 1845. "Libro Borrador."

tain both rather than to wipe them out at the behest of his own greed and that of his equally unscrupulous confederates. There is no question about his guilt in the matter. Nor is it probable that his conscience pricked him. He merely wanted to save appearances or please the Bishop; for he had just then by another decree given the dying missions the death-blow, not a powerful argument for convincing the departing friars that he was actuated by religious motives when he desired them to stay. At any rate, they replied, under date of November 16th, 1845, that they had received orders to return to the College of Guadalupe,[29] which, likewise, owing to the machinations of irreligious politicians, was in a dying condition. The feeling of relief with which these friars set sail is well expressed in a letter which one of them, Fr. Antonio Reál, had addressed to Pico. "Sir," he writes, on September 9th, 1845, "I take up the pen merely for the purpose of informing you that the order which recalls me to my College has arrived. The pleasure and joy this is to me ought also to be celebrated by my friends;[30] for I am not a Californian. I am going back to my native country, as will the other Fathers, my brethren, in October or December. I supplicate you to procure for my passage aboard the ship some assistance from the missions of Santa Clara and San José." [31] The reference to the fact that he was not a Californian or paisano touches the antipathy which existed in the territory against the Mexicans. The friars from Zacatecas, though of the same Order as the Fernandinos, who were Spaniards, had to suffer from this ridiculous sentiment, enough, at least, to make them feel that they hardly possessed the confidence of the people as did the Spanish friars, though the so-called Californians were themselves Mexicans with the difference that their cradle stood in California while yet the Mexican flag waved over the territory.

In addition to the loss of these three priests, the ranks of

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[29] "Archb. Arch.," no. 2320.

[30] probably sarcastic, meaning the Californians.

[31] "Archb. Arch.," no. 2319. This shows that the friars were as penniless as ever.

the clergy were further weakened by the death of a Fernandino Franciscan, Fr. Juan Moreno, who on December 27th, 1845, passed away at Mission Santa Inés.[32]

Fortunately, the little seminary at Santa Inés[33] ere long promised some relief. The Bishop actually had the consolation of conferring holy Orders on three of its students. Thus the seminarian Prudéncio Santillán on Sunday July 6th, 1845, received the Tonsure and Minor Orders at the hands of the Bishop in the mission church of Santa Barbara, and José de los Santos received subdeaconship. On the following Sunday, July 10th, Santillán was ordained subdeacon. On Sunday December 28th, at the same place, the two subdeacons with one other subdeacon, Dorotéo Ambris, were made deacons. Finally, January 1st, 1846, the three deacons were raised to the priesthood.[34] On February 1st, 1846, they were assigned as follows: Rev. Dorotéo Ambris was given charge of Monterey, and directed to visit Soledád and San Antonio occasionally for the purpose of celebrating holy Mass and administering the Sacraments. On the same day, the newly-ordained priest was appointed administrator of tithes for the places named and for San Juan Bautista, although the latter was in charge of the Franciscan Fr. Antonio Ánzar. For his support, the Rev. D. Ambris was permitted to retain one-half of the tithes collected in said places of his jurisdiction. The Rev. Prudéncio Santillán was appointed for San Francisco, with San Rafael and Solano or Sonoma as mission stations. He was also to act as administrator of the tithes for that district. The Rev. José de los Santos Ávila was directed to take charge of Santa Clara and San José. Though appointed administrator of tithes in these places, he was to have for his living only the tithes from Santa Cruz.[35]

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[32] "Libro de Entierros," Mission Santa Inés.

[33] Fr. J. J. Jimeno, the rector, October 1845, reported to the Bishop thirty-three students and boys in attendance, only a few of whom studied for the priesthood. Bishop Diego to Fr. Jimeno, October 27th, 1845. "Libro Borrador."

[34] "Libro de Gobierno," Archives of the Bishop of Los Angeles.

[35] "Libro de Gobierno"; "Libro Borrador."

MISSION SANTA BARBARA.

## CHAPTER XIII.

California Maidens.—Why Everybody Had to Be Catholic.—Marriages Before Other Than Priests.—Sutter's Assumption.—The Bishop's Declaration.—Animosity Between Mexicans and Paisanos.—Bishop Diego's Circular.—Politics.—Another Circular of the Bishop.—Protest of Fathers Durán and J. Jimeno.—Micheltorena's Assumption.—A Ridiculous Charge.—Fr. Mercado and the Paisano Chiefs.—José Castro's Usurpation.—José Pico's Unscrupulous Yarns.—Paisano Chiefs Not Guided by Religion.—Fr. Mercado Honored by the Bishop.—The Supreme Government's Anxiety for California.—President Herrera's Confidence in Fr. Durán and the Fernandinos.

HERETOFORE, the population along the coast of California had consisted chiefly of Spaniards or Mexicans and neophyte Indians, who were all Catholics, in name at least. Marriage, being regarded as a Sacrament, was invariably contracted before the priest. Foreigners, who were not of the Faith, likewise submitted to the rule, or, rather, turned Catholics whenever they desired to marry a native girl or woman; for those Spanish and Mexican damsels of good family would under no consideration join a "heretic" or a white "heathen" in wedlock. As an old settler humorously told the writer: "Everybody in those days had to be Catholic"; or as Dana put it: "Americans and English, who intend to reside here, become Papists,—the current phrase among them being, 'A man must leave his conscience at Cape Horn.'"[1] What Dana here styles conscience, with those adventurous immigrants were rather hazy religious opinions, views, or notions, which it cost them very little to lay aside when it suited their purpose. Scarcely any of them could be said to have had convictions on the subject of religion, otherwise they would not have parted with them so readily. Hence their "conscience" suffered little by joining "bigoted" California women in matrimony who, at any rate, possessed firm religious convictions, which for their honor and safety they insisted that the gen-

[1] "Two Years Before The Mast," p. 90.

tlemen courting them should make their own, or go elsewhere for life-partners. With those Catholic females, matrimony was indissoluble, and therefore they would not run the risk of being deserted for other less conscientious women on the unscriptural ground alleged by non-Catholic men that matrimony was not binding for life.

According to Mofras,[2] the California women really preferred foreigners, mostly Americans and Englishmen, for husbands, because such foreigners generally were more industrious, treated their wives with more consideration, and provided better for the children; but, on the subject of Religion and indissolubility of matrimony, such men would find the girls inflexible. This was one reason why "everybody in those days had to be Catholic." Hence it is that even Hittell, to the glory of early California womanhood, is constrained to acknowledge that in the early days "there was hardly any such thing known as divorce: only one, and that in a case where there had been no free consent to the marriage, is to be found in the old records." [3]

In the course of time, these views regarding marriage underwent a sad change. Hordes of irreligious adventurers began to crowd into the territory where priests had become scarce and religious instruction infrequent and less thorough. Native women of mixed Indian and Mexican extraction, less staunch in their faith and morals than their sisters of pure Spanish blood, then began to yield to the allurements. Disregarding the regulations of their Church, they allowed themselves to be persuaded that matrimonial unions, even with those of another or of no religion, could be legalized by other than priestly authority just as well. The first case of this kind appears to have occurred late in 1845 at New Helvetia on the Sacramento River, where, as Wilkes writes, "Captain Sutter has, according to his own belief, supreme power in his

[2] "Exploration," ii, 23. "Etrangers, hommes faits, que les femmes préfèrent aux gens du pays, parce qu'ils sont en général plus laborieux, qu'ils les traitent mieux, et prennent plus de soin de leurs enfants."

[3] Hittell, ii, 495.

own district, condemning, acquitting, and punishing, *as well as marrying,* and burying those who are under him." [4]

Fr. José Reál, who, after Fr. Mercado's departure, had jurisdiction over the whole country from Santa Clara northward, protested against Sutter's action, induced the two guilty couples [5] to separate, and then reported to the Bishop. He also informed Bishop Diego that the English vice-consul at Santa Clara, Mr. James Alexander Forbes, had performed the marriage ceremony for a couple of which the woman was a Catholic.[6]

Sutter's action was an infraction of the laws of Mexico as well as of the Catholic Church. Under date of January 9th, 1846, the Bishop therefore called upon Governor Pico to stop the abuse and to punish the captain, who had become a naturalized citizen of the country. His Lordship, moreover, declared marriages contracted before any one but the parish priest to be invalid when one or both parties to the contract were Catholics. On the other hand, he admitted that marriages of Protestants could be validly contracted before their respective consuls,[7] but, out of consideration for the laws and the Religion of the land, such ceremony should be performed privately in order not to disedify the piety of the faithful.[8] Pico expressed his surprise at the illegal and arbitrary action of Sutter and Forbes, and promised to take the necessary steps that would prevent the recurrence of such attempts regarding the marriage of persons of different religions.[9]

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[4] Captain Charles Wilkes, "Narrative," ii, 235. London, 1852. Italics are ours.

[5] Cyrus Alexander (American) and Rufina Lucero (from New Mexico); Rafael Gilbert (American) and Maria Popa (Mexican).

[6] Forbes, a convert, doubtless acted through ignorance.

[7] No sectarian churches or ministers as yet existed in California.

[8] "respetando como deben la santa Religion y leyes del pais, y no desedificando con sus actos la piedad de los fieles, ni minando con su ejemplo nuestras buenas costumbres Catolicas."—"Libro Borrador."

[9] "me sorprendan y me causan un grande sentimiento los escandalosos procedimientos cometidos con el ningun respeto á nuestra

To Fr. José Reál the Bishop wrote on January 10th, 1846: "From the letter of Your Reverence of December 9th, 1845, and received here on January 8th, I learn with sorrow the grave presumption of Sr. Sutter, who believes himself authorized to solemnize matrimony at his establishment on the Rio Sacramento. I hope the piety and justice of the government, to which I have referred the matter yesterday, will take care to repress and chastise the reprehensible and criminal assumption of one who, though a foreigner, is now a subject of the Mexican nation for having been naturalized and for having his domicile in the territory. Your Reverence has done well to separate Cyrus Alexander and Rafael Gilbert from their pretended consorts. The two women, being Catholics, can marry validly and lawfully before their parish priest only; but if the said foreigners Alexander and Rafael, after having been well instructed in the Catholic Religion, desire to embrace it in good faith, after they have detested and abjured their errors, Your Reverence may admit them to the fold of the Church, and validate their marriage with the Mexicans Rufina Lucero and Maria Popa if the latter furnish to Your Reverence sufficient evidence that they are free and independent." [10]

The preference of California women for American or English husbands naturally quickened native dislike for the foreign intruders who already controlled the domestic as well as foreign trade of the territory; but this unfriendly feeling was surpassed by the ill-will with which the paisanos, or Californians so-called, regarded the immigrants from Mexico. Though both of the same stock, generally, the paisanos judged themselves superior to the Mexicans, an assumption which the latter resented and ridiculed. Eventually, these conten-

Religion por los Señores Juan A. Sutter y el vice-consul Diego Forbes autorizando ilegal y arbitrariamente matrimonios y de personas de diferente religion." Pico to Bishop Diego, February 13th, 1846. "Escrituras Sueltas."

[10] "Libro Borrador." The couples appear to have gone to Santa Clara, where the marriages were then properly solemnized.

tions must have culminated in the disorders which have disgraced Mexico ever since infidel liberalism there seized control of the government, and formulated laws without regard to the wishes and convictions of the bulk of the people. The very priests from Mexico, to some degree, were subjected to disdain from silly nativism; and the Bishop himself would, doubtless, have fared better if his cradle had stood in Spain rather than in Mexico. The animosity at one time had become so acute [11] that Bishop Diego thought it necessary to issue a circular on the subject to the clergy.

"Beloved Sons," he wrote from Santa Barbara, "I understand that for a long time past among the inhabitants of my diocese a certain rivalry, or discord, or dissension has been aroused between those who have come from Mexico and those who were born in the territory. Such rivalry is certainly opposed to charity which constrains us to love ourselves mutually as children of the same Father in heaven, who are bound together by the same Religion, the same Baptism, and the same Gospel. It is equally opposed to the good manners and the peace which ought to prevail in society. In effect, it is a poisoned fountain of disturbances, discords, hatred, and offenses against our Lord. Nothing more is necessary than to contemplate this a little in order that a Christian be horrified at this abomination, and endeavor to flee from the contagion of this evil. Indeed, every Christian should exert himself in this matter. What then should priests do, who are the ministers of the God of peace? For this reason, I thought it well to take up the pen to-day in order to exhort you to be vigilant, and to be careful to cut away all excuses for dissensions which you may observe. At the same time you should exert yourselves endeavoring to reestablish peace. For this purpose I give the following instructions:

"1. You should never, not even in private exhortations, speak any words that even indirectly touch those who gov-

[11] See chapters iii and vi, section i, this volume.

ern. On the contrary, you must inculcate obedience to the authorities.

"2. In political affairs you should not meddle for any purpose whatever.

"3. You should never speak against any one, be he Mexican or be he of California. If any one else speak thus in your presence, you should restrain him with sweetness and meekness.

"4. In a word, let us give an example of moderation, charity and meekness. By this means let us edify all, and so win all for our Lord Jesus Christ.

"I hope, my Sons, that you will be docile and obedient to my voice, and that you will give no occasion whatever for complaints, lest you fill my last days with bitterness." [12]

A circular of like import had been issued by Bishop Diego on June 20th, 1834, when still comisário-prefecto of the Zacatecans, in consequence of a note from the Minister of Justice and Ecclesiastical Affairs in Mexico, and this may have induced the Bishop to subjoin the instructions on politics, which seem to have been uncalled for at this time, in connection with rivalries existing among the Californians and Mexicans. "Under date of May 22nd, 1834," Fr. García Diego informed his friars, "the governor communicates to me an order from the Supreme Government 'which prohibits every interference with political matters on the part of ecclesiastics, in the pulpit as well as in the confessional,[13] on account of some abuses

[12] The transcript in the "Libro de Patentes" of Mission San Buenaventura, the only copy of the original we have discovered, is in the hand of Rev. J. M. Rosáles. It bears neither date nor signature. The year 1847 is affixed, but that, manifestly, is an error. Rev. J. M. Rosáles was not put in charge until November 1843, and the Bishop died April 30th, 1846. Bancroft alludes to it in 1843; it was probably issued during Micheltorena's term in 1844, when the waves of animosity ran highest.

[13] An odious, unwarrantable insinuation which shows what the unscrupulous Mexican "liberal" politicians are capable of alleging, and to what length they will go in order to vent their hatred for representatives of Religion who at this late day of enlightenment persist in preaching eternal retribution for the trans-

that have occurred on this point in the Mexican Republic.' In obedience to this order, I charge Your Reverences never to touch said points even remotely, taking no notice whatever either for or against the government, nor to speak of any other matter concerning either civil or political affairs, but let us confine our preaching and instructions to the explaining of the dogmas, the teaching of virtues, and the reprobation of vices." [14]

Almost two years later, Fr. Durán learned that representations had been made to the temporary governor, Nicolás Gutiérrez, by malevolent persons who claimed that the Fathers at Santa Barbara were meddling with government affairs and seeking to create dissensions. The Fathers could silently bear personal affronts and injury, as their whole record proves; but they would not allow the shadow of disloyalty against higher authorities to rest upon them. Fr. Durán and Fr. Antonio Jimeno, accordingly, in a joint note to Gutiérrez resented the imputation, and protested that all such charges were absolutely false.[15]

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gressors of the Sixth and Seventh Commandments. Fr. García quite properly would not insult his friars by even alluding to the charge. The Minister mentioned was Arízpe, for whom see volume iii, p. 267. His "Supreme Order" was dated October 31st, 1833, when Santa Anna was President and Vice-President Gómez Farias frequently acted as President. It was while this precious pair misgoverned poor Mexico that Congress, on October 27th, November 3rd, and November 6th, 1833, passed three decrees against the Church. Two concerned the rights and incomes of the clergy, and the third was leveled at Religious Orders. See volume iii, 515-517. Quite in keeping with the illiberal "liberal" policies, the same administration resolved to muzzle the clergy by the decree of May 22nd, 1834; but, as the whole transaction shows, it was not the clergy that needed muzzling. Such may be said to be the story of the situation in Mexico since 1822, especially since the time of Santa Anna. Copy of Figueroa's note embodying Arízpe's order, in the "Sta. Barb. Arch." See Appendix E.

[14] Fr. García Diego, "Circular," June 20th, 1834. "Libro de Patentes," Santa Clara; "Cal. Arch.," Dep. St. Pap., Angeles, Off. Cor., xi, 133-137.

[15] Fathers Durán and Jimeno to Gutiérrez, March 24th, 1836. "Cal. Arch.," Dep. St. Pap., Missions x, 246-247.

Tale-bearers seem to have abounded and added to the difficulties surrounding the missionaries. Through revenge, or, perhaps, for the purpose of ingratiating themselves, various persons would accuse the Fathers of preaching against the government. The priests needed but give the necessary instructions on the Sixth and Seventh Commandments of God. Malicious creatures could easily twist such a sermon into an attack on the government; for, since the coming of Echeandía, the highest territorial officials, except Victoria and Micheltorena, were notorious for loose conduct. Whether any of the Fathers ever assumed the role of a St. John, the Baptist, before King Herod, or of a Nathan before King David, we do not know; but there is no case on record that any friar preached against a governor. Even the spy system, inaugurated by Alvarado, elicited no proof to that effect. As for the property rights of the Church or of the neophytes, the documents demonstrate that the territorial chiefs and their henchmen had little regard for either.

On the other hand, governments and government officials, and so-called historians, always found it quite in order for secular authorities to interfere with ecclesiastical affairs, as Arízpe's circular, for example, demonstrates. A flagrant instance of this kind occurred in 1844. Let us hear the rabid enemy of Catholic missionaries, Theodore Hittell, relate the story with his approval. "He (Micheltorena) even watched over the talk of priests, and was ready to interfere if they incautiously overstepped the bounds of what he regarded as their proper jurisdiction. Thus, when one of the missionaries, in the course of a sermon, asserted that the Most Holy Mary was God and that it was an accursed thing for Californian women to contract alliances with foreigners, Micheltorena sent word that the first statement was false doctrine,[16] and the second calculated to stir up rancor and animosity." [17]

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[16] Every Catholic child, then as now, would have said it is blasphemy and nonsense. The governor should have had sense enough not to insult a priest with even repeating the silly story of some ignorant or malevolent gossip.

[17] The second "charge" was within the duty of the priest, and is being taught the world over. For women to marry strangers, such

Micheltorena's entire letter to Fr. Antonio Ánzar of San Juan Bautista, the presidente of the few remaining Zacatecan friars, is as follows: "This government, which is commissioned to watch scrupulously over the pure conservation of our holy Religion,[18] as well as over public order in all its branches by preventing animosities and disputes even with regard to the Word of God,[19] cannot avoid urging Your Reverence, if possible on occasion of the devotion of the Rosary this year,[20] to be pleased to correct two errors into which involuntarily, but carried away by his apostolic zeal on the praises of our most holy Mother of Refuge,[21] the Rev. Preacher of the day fell. The Rev. Father is said to have asserted Mary Most Holy to be God; and secondly that it was perdition for California women to contract unions with foreign strangers;[22] for I am sure that his Reverence, the

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were all foreigners then, "estranjeros," of irreligion or no religion, and of whose antecedents they know nothing, is even now the fertile source of divorce, consequent breaking up of families, and therefore the cause of temporal and most frequently eternal perdition for the women as well as the unfortunate children. That was the doctrine of the Bible ages ago. At all events, in both cases it was Micheltorena who "overstepped the bounds of his proper jurisdiction."

[18] "Este gobierno, á quien esta confiado cuidar escrupulosamente de la conservacion pura de Nra. Santa Religion." Fancy a "liberal" Latin politician as guardian of the purity of Religion! Mexico has had its fill of such guardianship since 1822. Micheltorena assumed the duties of the Pope and the Bishop, though the latter on that date was quite near, at San Francisco. Yet this governor was not hostile. What, if a rabid Voltairian be in power? Poor Mexico is in evidence.

[19] "aun en la palabra de Dios." That is not borne out by Matt. xvi, 19; xviii, 18; xxviii, 19-20; Mark xvi, 15; John xx, 21; xxi, 15-17.

[20] "en la concurrencia al Rosário de este año." This may mean the feast of the Rosary, first Sunday in October; or on occasion of some celebration in honor of the Blessed Virgin. The Rosary was recited on Sunday afternoon.

[21] On occasion of the celebration of the new feast of Our Lady of Refuge, annually celebrated on July 4th. See pp. 259-261.

[22] "El Padre haber asertado ser nuestro Dios Maria Sma.; el 2do., ser maldicion para las Californias contraer enlaces con estrangeros."

orator, as well as Your Paternity, will see the necessity for this action, as I am persuaded likewise that the mistake was not wilful in this part of the sermon by the one who committed the same. May it please Your Paternity to accept the sincere protestations and assurances of my distinguished affection. Monterey, July 11th, 1844. To the Very Rev. Fr. Juan A. Ánzar." [23] What action, if any, Fr. Ánzar took in consequence of this curious communication, is not stated in the records.

Instead of ceasing, as the Bishop hoped, the rivalries between Mexicans and Californians grew more bitter until they culminated in the expulsion of Micheltorena and his Mexican troops. At the same time, in the north, one of the Mexican friars likewise fell a victim to paisano aversion. The Californians, of course, allege other reasons, and put all the blame on the missionary; but, from the documents in the Archives of California and the Archives of the Archbishop, it is pretty clear that the trouble arose from Fr. Mercado's inflexibility respecting the subject of Indian and missionary property, particularly at Santa Clara, his last field of activity.[24] Details will be furnished in the local account of Mission Santa Clara, where they properly belong. It would seem that Fr. Mercado had also made himself disliked by occasional, perhaps injudicious, remarks concerning paisano conduct and government. His difficult position was aggravated for having been charged with the duty of collecting the tithes for the Bishop. This, as we have seen, greatly irritated the pompous Mariano Vallejo, for instance. Whatever the minor facts, it may, for the present, suffice to relate here that, one day, December 11th, 1844, doubtless for soundly berating Castro's and Alvarado's hordes who were destroying mission property,[25] the following note was despatched to Fr. José Reál, then at Santa Clara:

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[23] "Cal. Arch.," Dep. St. Pap. v, 531; Hittell, ii, 342.

[24] See "Cal. Arch.," Dep. St. Pap. v, 469-504; Dep. Rec. xiii, 139, for the documents dating from January 19th to April, 1844; "Archb. Arch.," nos. 2277; 2279, April 12th and 20th, 1844.

[25] See pp. 360-361, this volume.

"In the perilous crisis which the department is encountering, it is my duty to take measures for securing the peace and tranquillity of its inhabitants. With regret I see myself obliged to have the Rev. José de Jesus del Mercado leave this part of the north on account of his subversive conduct. I notify him that he must effect his departure within the space of four hours counted from the time Your Reverence receives this note.[26] This disposition I make in the name of the government of the department;[27] for its object is no other than the securing of peace [28] at the cost of whatever sacrifice and sentiment, which as subordinate and friend of the public welfare I propose to bring about in the end. I avail myself of this occasion to manifest to Your Reverence my respect and consideration. God and Liberty. San José, December 11th, 1844. To the Rev. Fr. José Ma. del R. Suárez del Reál." [29]

José Pico furnishes some particulars from which we can infer the truth very well. "When our revolution against Governor Micheltorena broke out in December 1844," he

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[26] "en el termino de cuatro horas contadas desde que V. R. reciba esta nota." A high-handed proceeding worthy of the mission despoilers.

[27] "cuya providencia tomo á nombre del gobierno del Departamiento." A bold assumption. Castro and his confederates seem to have already imagined themselves the government of California! Governor Micheltorena had but a few days previously made an agreement with these Californians, and was at Monterey. From this it is clear that it was the Castro and Alvarado clique that planned treachery, not Micheltorena. José Castro was not acting in the name of Micheltorena, but on his own account with the approval of the clamorous band which had plundered Santa Clara Mission, provoked the protests of Fr. Mercado, and the bitter complaints of Fr. J. Reál near the close of chapter ix.

[28] "pues su sentir de esto no es otro que el de conseguir la paz." A ridiculous assertion. California would always have had peace if the Pico and Castro gang had staid at home and cultivated their fields. Possibly, Fr. Mercado, as a true pastor, had said as much. Hence the revolters' wrath.

[29] Vallejo, "Documentos" xii, 117. "God and Liberty" in connection with such action! The communication was not signed, but there is no doubt that José Castro was the author. Had he desired to do the right thing, he would have complained to the

writes, "Fr. Mercado went around privately warning the people at San José [30] that they should declare themselves against Alvarado, José Castro, Manuel Castro, Francisco Rico, myself, and others who headed the revolt. I told Alvarado and Castro what the Father was doing, but they knew it already. Castro ordered me to seize him at Santa Clara, and to take him whither I pleased. I went with eight men to Santa Clara, apprehended him, and on horseback I took him to San Francisco, where I embarked him on a ship of Cesáreo Lataillade. The vessel brought him to Monterey, whence he directed a series of insulting letters [31] to Alvarado, Castro, and all others of the revolution." [32]

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Bishop, or to Fr. Ánzar. The probability is that both had been informed, but found the accusations baseless, or monstrously exaggerated. Of that more later on.

[30] "Andaba el P. Mercado sonsacando gentes en el pueblo de San José para que se pronunciaran contra Alvarado, José Castro, etc." Just what a solicitous pastor must do: warn his people not to join revolters against lawful authority, for Catholics do not revolt, most certainly not for the flimsy reasons that the Picos, Alvarados, Castros, Bandinis, etc., broached ever since 1830. There was no excuse for rebelling in 1844-1845. However, let the reader compare dates. It will dawn upon him that the Castros and Alvarados were in bad faith when they accused Micheltorena of treachery. The real traitors lingered about San José, otherwise they would have kept their sacrilegious hands off Fr. Mercado. See pp. 326-327.

[31] Pico reproduced none of the "insulting" letters. It is extremely doubtful that any were written. However, from Vallejo's replies to the same Fr. Mercado, we know that such conceited paisanos, who had "emancipated themselves from the shackles of Religion," regarded any warning or reproof a priest dared to offer, in accordance with his duties, as an insult. The student of California history must bear this in mind, if he would judge the situation correctly. The mission despoilers and revolutionists called themselves Catholics; but in nothing were they guided by the representatives of Catholicity, nor by its principles. As was the case in Mexico for nearly a century, and is the case in other dominions controlled by liberalism, the so-called Californians were acting according to the principles of French Encyclopedists and Voltairians. Hence the endless turmoil in both countries.

[32] Pico, "Acontecimientos," pp. 57-58. This is one of a large

FORCIBLE ARREST AND BANISHMENT OF FR. J. DEL MERCADO

That was not enough for the would-be saviors of the territory. In order to further justify their sacrilegious and revolutionary proceedings, the same José Pico, for one, heaped upon the illtreated priest all the vile abuse that Voltairianized men are notorious for employing against the clergy that stands in their way. Pico winds up his shocking tirade by declaring that all he had said about Fr. Mercado was nothing in comparison to other things which the said Father did, but which for being scandalous he would not mention.[33] Bancroft in a footnote repeats the paisano calumnies, though he admits "that much of the testimony, though not all,[34] comes from men who were not friendly to the padre, being directly or indirectly parties to some of his many controversies." We have, ere this, learned what the testimony of the mission despoilers against the friars amounts to. Bancroft himself tells us that the writings of *"none of them, nor all combined, would be a safe guide in the absence of the original records."* [35] There is other, conclusive, evidence. Bishop García Diego, with his secretary, Fr. González Rúbio, the later administrator of the diocese, held the canonical visitation at Santa Clara on July 6th of this same year 1844, six months after the people of San José had begun to quarrel with Fr. Mercado on account of mission property. On his way south from San Francisco, the Bishop must again have passed

number of "yarns," as Bancroft styles Gómez's ebullitions, which that historian allowed his scribes to take down in writing, and which form part of the Bancroft Collection. They should be labeled "Yarns," lest the simple-minded student regard them as fountains of truth.

[33] After attributing to said missionaries the worst kind of immorality, Pico suddenly becomes scrupulous!

[34] Bancroft, iv, 682. If Bancroft had desired to be fair, he would have quoted at least one testimony from one man of character; for the testimony of the paisanos of the mission period may not unjustly be described as on the level with reports received from the Indians of the early days, with this difference, as pointed out on another occasion, that the Indians lied in order to please, but the early paisanos lied through sheer malice. See Appendix G, volume i.

[35] Bancroft, iv, 762.

through San José and Santa Clara towards the end of July. The disgruntled people of San José will doubtless have importuned the Bishop and Fr. González. Both will have investigated the charges. Had Fr. Mercado been the moral leper that José Pico and the other revolters against the government paint him, the Bishop would have been compelled to withdraw Fr. Mercado's faculties, and his Superior would have sent him out of the country to do penance at his college near Zacatecas. It was on the charge of a much smaller crime, launched by Mariano Vallejo against the same Fr. Mercado in 1834, that the same Bishop, then Fr. Commissary García, without investigating, had suspended the same Fr. Mercado and kept him suspended for six months at this same Santa Clara. In time, the then Fr. García learned that such high-handed methods were altogether out of place, especially among a people the most prominent of whom proved unreliable, for the friar accused then, Fr. Mercado, was entirely innocent.[36]

This time the Bishop first examined the case. The result was that, instead of suspending Fr. Mercado, as he must have done had one-tenth of Pico's charges been true, he extended the friar's faculties, as we see from the "Libro de Gobierno," which from day to day contains the administrative acts of the Bishop. On November 12th, 1844, *just one month before* José Castro had Fr. Mercado forcibly seized and removed from Santa Clara, we note the following entry: "Granted to Fr. Jesus Maria Vásquez del Mercado the faculties to hear the confessions of everybody, and to absolve from reserved cases in the whole diocese until revoked."[37] Thus, whereas formerly Fr. Mercado's powers had been restricted to the territory of the Zacatecans north of San Miguel, he was now authorized to exercise them anywhere in the territory. It is rather strange that neither the Bishop, nor Fr. Mercado's immediate Superior, Fr. Ánzar, uttered any protest against the brutal treatment inflicted on the friar priest. Probably, they recalled similar and numerous cases of the kind in

[36] See volume iii, 461-462.

[37] "Libro de Gobierno," Archives of the Bishop of Los Angeles.

Mexico, and how any sign of indignation was punished with incarceration and other personal indignities at the hands of the ruffians who usurped the government. As the Castros, Alvarados and confederates appeared to be imitating their prototypes in that unhappy country, the Bishop and all the surviving friars may have thought it wiser to submit in silence. The College Superiors of Guadalupe, however, resented the outrage, and promptly recalled three of the five remaining Zacatecans, as was related in the preceding chapter.[38]

The Supreme Government, at least since the forced return of Governor Micheltorena and Fr. Mercado, was well aware of the antipathy with which the Californians regarded their blood relations, the Mexicans. Doubtless, it was also informed about the Bishop's ineffectual circular on the subject, and therefore contemplated the situation with alarm. Texas had already torn itself away from the Mexican Federation and was about to become a part of the United States.[39] How to retain California was the question. In this extremity, besides taking the political steps to be mentioned later, Acting-President J. J. de Herrera bethought himself of the universally esteemed Commisário-Prefecto, Fr. Narciso Durán, through whose powerful influence with the law-abiding portion of the territorial inhabitants he hoped to avoid the loss of California. The President did not write to Fr. Durán di-

[38] See pp. 410-411.

[39] At a convention of fifty-eight delegates, of whom only three were Mexicans, by a unanimous vote on March 2nd, 1836, the Texans declared Texas a free and independent republic. By a vote of twenty-three against nineteen, this independence was rcognized by the United States Senate on March 1st, 1837. On February 28th, 1845, a joint resolution of the United States Congress admitted Texas into the Union if she desired. President Tyler approved the resolution on March 1st, 1845, three days before the expiration of his term. On July 4th, 1845, by a vote of fifty-five to one, the Texas convention held at Austin agreed to be annexed to the United States. This was ratified by a popular vote in October of the same year. Finally, President Polk, on December 29th, 1845, approved the previous joint resolution of Congress admitting Texas into the Union, and this action led to war with Mexico.

rectly, but through Minister Luis Cuévas addressed Fr. Durán's Superior. The latter communicated the wishes of the Government in the following very guarded missive:

"San Fernando, July 20th, 1845. My Most Esteemed Father, Brother, Friend, and Sir. I just received an official letter from the Supreme Government, in which it charges me to supplicate all the religious of this College who are in those missions that they should exhort and arouse the natives, who are under their care, to subjection to the lawfully constituted authorities, and to the fulfilment of the laws.[40]

"When Your Paternity sees this letter, be not surprised, and do not believe that there is some unfavorable report concerning the purity of your zeal and blameless conduct, but that it is a charge which the Supreme Government commits to me in accordance with the precautionary steps which it will take for its assurance. On the other hand, it is convinced of the uprightness of Your Paternity. I do not go further into details as I should wish, because the bearer and likewise the messenger sent by the Government leaves immediately.[41] . . .

"In fine, Your Paternity, please do not forget me in your prayers, as I do not forget you. I am Your Paternity's etc.—Fr. José Hidalgo." [42]

Nothing on record shows what action was taken by Fr. Durán and his surviving companions; but, as messengers of peace, they most probably exerted themselves in behalf of peace which at this time was sadly wanting among the paisanos themselves, who little respected either the dictates of Religion or the counsels and reproofs of Religion's ministers.

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[40] "Acabo de recibir un oficio del Supremo Gobierno en que me encarga suplique á todos los religiosos de este Colegio que están en esas Misiones que exorten y exciten á esos indigenas, que están á su cargo, á la sujecion y cumplimiento de las Leyes y á las autoridades legitimamente constituidas." For doing this very thing, José Castro had banished Fr. Mercado.

[41] "y por otra parte (el Gobierno Supremo) está persuadido de la probidad de Vuestra Paternidad. No me estiendo mas como deseara por que el conductor y tambien enviado por el Gobierno sale inmediatamente."

[42] "Sta. Barb. Arch."

## CHAPTER XIV.

Embarrassment of the Friars.—Fr. Durán's Six Articles.—Pico's Confession of Failure Before the Assembly.—Pico After the Pious Fund.—Action of His Assembly.—Decree Restoring the Pious Fund.—Pico Tries to Move Fr. Durán.—The Fr. Prefecto Clears Up the Case.—Refusal.—Suggestions.—Inflexible on the Rights of the Indians.—Pico Tries the Bishop.—His Lordship Would Not Alienate as Much as a Reál.—The Bishop's Distress.—Pico Determines to Sell the Missions at All Hazards.—His Lack of Authority.—He Draws Up a New Reglamento.

RESUMING the narrative where for the sake of completing the general view it was necessary to interrupt it,[1] we find Pio Pico going right along on the course marked out for himself years before. His determination, as he himself confesses, was the extinction of the missions; but he would allow the missionaries to remain under the illusion that he desired their preservation. With that understanding, and for the sake of the neophytes, the friars continued their heroic endeavors to bring order out of the chaos in the establishments restored to them by Micheltorena. They also honestly tried, and in some cases succeeded, to pay the debts contracted by the hirelings thrust into the missions by the covetous conspirators. True to their vocation, the Fathers, of course, sought to improve attendance at Divine Worship and religious instructions, for which, during the period of administrator misrule, the neophytes had received little or no encouragement. At times, indeed, they had met with downright opposition,[2] so that by degrees the Indians became as indifferent to Religion and its ministers as their mercenary masters.

When the Fathers again took charge, they received no stipends, and the mission property could scarcely produce the bare necessaries for the Indian community. Gifts, with which of yore the friars had stimulated and rewarded industry and piety failed to materialize. The consequence was that the mis-

[1] See p. 391, this volume.

[2] See vol. iii, sect. ii, chap. xvi.

sionaries encountered difficulties and embarrassment at every turn. Not having wherewith to pay the services of attendants, the missionaries, aged and feeble as they were, had to do their own cooking and other domestic work. They had, likewise, to attend to all the needs of Divine Service, unless they in some way contrived to enlist the service of a boy or of an old man. The unwarrantable decree of May 28th, 1845, only added to the misery in which the Fathers found themselves engulfed. For the purpose of correcting this intolerable state of things, Fr. Prefecto Durán, on August 1st, 1845, submitted to Pico and his assembly the subjoined Reglamento in six articles, which he doubtless would have left unwritten had he known Pico's real motives and determination.

"Plan of a Reglamento for the Service of the Churches and Missionaries in Upper California Presented to the Departmental Government.

"Whereas, according to the Assembly Decree of May 28th, 1845,[3] the neophytes are to be absolutely free;[4] and whereas the churches of Upper California and its ministers find themselves without sufficient means to pay the servants at Divine Worship and of their own persons, the Governor with the Excellent Assembly will recognize the imperious necessity of imposing this public duty on the emancipated Indians after the manner proposed in these articles.

"1. The Indian alcaldes shall be obliged to designate for each church a sacristan paid from the part of the rental income set aside for the Indian community;[5] for the missionary they shall appoint three boys to serve as acolytes for bearing the processional cross, and the candlesticks, for ringing the bells, etc.; and likewise one cook, one maker of tortillas, one cenero, one cowboy, and two women to do the washing when necessary.

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[3] See pp. 373-375, this volume.

[4] rather, sent adrift, to shift for themselves.

[5] that is to say, out of the one-third assigned to the Indians. See p. 374, article 5. See also p. 382, where Fr. Durán anticipates these very difficulties.

"2. Whenever any of these youths are missing, the alcaldes themselves shall replace him at the request of the missionary.

"3. Whenever the alcaldes shall pretend not to understand how to execute the preceding articles, the missionaries shall have recourse to the nearest authorities or officials, who shall, with as much suavity as possible, make the emancipated Indians comply with these obligations.

"4. In order that Divine Worship may not lack the splendor and solemnity which so much assist the external senses of man to elevate his heart to God from whom he has received life and everything good, and from whom he expects greater things in eternity, the government will recognize the necessity that the missionaries have the requisite coercive power to oblige the musicians and singers to present themselves whenever they are called upon to participate in the ceremonies of Divine Worship, although, in everything else, they are as free as the rest.

"5. The water, which is artificially conducted to the Mission of Santa Barbara, and the same holds good with respect to every mission that is similarly situated, shall be for the common use of the inhabitants of the mission, and cannot be diverted to other uses, except when there is a surplus in any year.

"6. For the care and the execution of the preceding article, it is imperiously necessary to designate some old man for keeping clean and preserving the pipes and ducts through which the water is led to the mission. This charge must be regarded a public office, and equally to be paid after the manner indicated in Article 1 respecting the sacristan.

"I submit these articles to the Departmental Government in order that it may approve or improve them as it may see fit.

"Given at the Mission of Santa Barbara, August 1st, 1845. Fr. Narciso Durán, Commissary-Prefect of the Missions of the South.[6]

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[6] Pico, "Documentos," ii, 63-64.

Whether or not Pico submitted Fr. Durán's propositions to his assembly is doubtful; at all events, no action was taken to comply with the Fr. Prefecto's wishes; but about three weeks later, August 20th, 1845, Pico had some suggestions of his own to offer. Alleging that creditors were demanding what was coming to them, and that he encountered insuperable difficulties to satisfy them, because prospective lessees for the mission property were unwilling to furnish security for the payment of the mission debts, he proposed selling some portions of the properties in order to quiet the creditors.[7] The decree of May 28th, 1845, directed that some of the missions should be leased, and others should be turned into pueblos or towns; but it allowed only one-third part of the products of such mission rental to be applied for the payment of debts. This third part, he continued, yielded only a small sum, inadequate for that purpose. In fact all the products were insufficient. At the same time, the old and worn-out Indians, who were suffering from hunger, could not be abandoned; for the government owed them care and protection. He saw no other remedy than the sale of the estates or part of them; but he would submit the matter to the assembly.[8]

Thus Pico, the leader of the mission despoilers since 1830, gives clear testimony that less than nine years of their mismanagement had effectually ruined the most prosperous estabments ever founded and conducted for the benefit of convert Indians anywhere, except the Jesuit missions in Paraguay,

[7] This was alleged in order to have a pretext for extinguishing the missions. Under Micheltorena creditors had been quiet, and they would not have pressed the missionaries, because they were certain if time were allowed the debts would be paid. If the creditors now clamored for what was due them, it was because they would not trust Pico. For this there was good reason, as we have seen in the case of Mission Purisima. However, we believe that, as Pico names none of the creditors, the whole charge is exaggerated for the sake of executing his mania for mission extinction. His apparent solicitude for the creditors was hypocrisy. Mission Purisima, for one, is in evidence.

[8] "Cal. Arch.," Leg. Rec. iv, 469-471.

which likewise were destroyed by men of greed and irreligion. Not only was the ruin of the temporalities complete, but the debts piled upon the mission estates by the same mission enemies, according to the leader of the clique himself, proved so heavy that even the economical and abstemious friars could not lift the burden, at least, not within the short time allowed, not by the creditors, but by Pico; for it was Pico that was in a hurry for the reason already confessed by himself.

One more straw, in the shape of the Mexican Decree of April 3rd, 1845, which restored the Pious Fund to the Bishop of California,[9] came in the way of the Pico assembly, and it was eagerly seized. No sooner had Pico, on September 10th, notified the assembly and urged immediate action than the legislators passed the following resolution: "Article 1. In order to be able to proceed to the leasing of each mission it is necessary that its debts be paid; and whereas this cannot be effected in the case of some, because the resources are exhausted,[10] the governor should consult the Rev. Fr. Prefecto in order to ascertain whether the debts may not be paid from the Pious Fund. Article 2. The governor should exercise scrupulous care to place the missions in pure hands in order to prevent the waste observed in some of them,[11] and

[9] See "Foreign Relations," Appendix II, 1902, pp. 210-211. The decree reads as follows: "José Joaquín de Herréra, Division General and President ad interim of the Mexican Republic, to the inhabitants thereof: Know ye that the Congress General has decreed and the Executive has sanctioned the following: 'The assets and other properties of the Pious Fund of the Californias, which are now unsold, shall be immediately restored to the Rev. Bishop of that See and his successors for the purpose mentioned in Article Six of the Law of September 19th, 1836, without prejudice to what Congress may resolve in regard to the property that has been alienated.'" For the debates on the subject in the Mexican Congress, March 28th, 1844, see "El Siglo Diez y Nueve," Mexico, April 13th and 14th, 1844. Copies in "Sta. Barb. Arch."

[10] "por hallarse exhaustas de intereses"! Exhausted by who n? By this very Pico, the Alvarados, Bandinis, etc.

[11] Having relieved the missions of thousands of dollars' worth,

he should make the responsibility felt on the part of those who are guilty or who should be guilty in the future." [12]

Next day, Pico despatched his secretary, José M. Covarrúbias, to Santa Barbara with a personal letter for Fr. Durán, and with instructions to explain the predicament of the territorial government.[13] "My Esteemed Father and Friend," the temporary governor wrote from his capital, Los Angeles, to the Fr. Prefecto. "The difficulties which presented themselves when I wanted to proceed to lease the missions have obliged me to consult with the departmental assembly as to the ways and means that could be adopted to pay the debts they have. As the outcome of this conference, that body decided as follows:

" 'That, in order to be able to proceed to the leasing of each mission, it is necessary that each one first pay its debts. If some cannot do that because they are totally drained of property,[14] the government will consult with the Rev. Fr. Prefecto in order to see whether they may be paid from the Pious Fund.'

"In order that this prudent resolution may have effect, I make it known to Your Reverence, and beg you to inform me whether or not, in your opinion, the debts of the missions can be paid from the Pious Fund, as said assembly desires. Your Reverence may confer with the Bishop on the matter, if you think proper, since, as it seems, those funds are in his charge.

"Inasmuch as the object of the government as well as of the assembly is that the debts of the missions be paid as soon

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Pico and confederates now suddenly grow particular lest the Fathers be wasteful of crumbs and scraps!

[12] "Cal. Arch.," Leg. Rec. iv 272-273. Hartnell made this same Pico feel his responsibility at San Luis Rey by discharging him for mismanagement and cruelty. See pp. 182-183.

[13] "El Sor. Covarrúbias sale para ese punto y hará á V. M. R. Paternidad una visita en mi nombre al alcance del estado etc. . . Puede V. R. Paternidad comunicar sus conceptos á este Señor; pues tiene encargo de transmitirlos para que sean atendidos etc." Pico to Fr. Durán, September 11th, 1845. "Cal. Arch.," Missions & Colon. ii, 735-737.

[14] "y no pudiendo verificar algunas por hallarse exhaustas de intereses."

as possible in order to satisfy the demands for payment on the part of merchant creditors, it would indeed be a good thing if they were paid from the Pious Fund; but if this be not done, what shall we do? The demands will continue, and the creditors in justice must be remembered, and we cannot delay any longer the collecting of what belongs to them, because their patience has reached its end.

"I had thought, with regard to those missions which owe a considerable amount, and whose produce is not sufficient to cover it, the most reasonable thing to do would be to sell portions in order to relieve them, and to lease the remainder of the property for the support of Divine Worship, etc. Yet, being liable to fall into error,[15] I beseech Your Rev. Paternity to favor me with your opinion on this point, and what kind of alienation or sale could be adopted, not forgetting on this account what was said before regarding the Pious Fund." [16]

Fr. Durán's reply to the governor's letter was, as usual, prompt and most courteous, but, whether intended or not, replete with thrusts which would have made any other than the callous Pico wince. The Fr. Prefecto's papers are always worth special consideration for their clearness, interesting facts, and unanswerable arguments. We therefore reproduce this somewhat lengthy document for the additional reason that it is one of the venerable Father's last. "Always constant in the desire to acquiesce in the suggestions of Your Excellency," he writes only four days after the date on Pico's communication,[17] "I briefly answer your most esteemed of

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[15] "mas como puedo errar suplico á V. R. Paternidad." How much easier would Pico and his confederates have rested, if they had kept their hands off the missions; if they had always asked Fr. Durán's advice and abided by his decisions!

[16] Pico to Fr. Durán, September 11th, 1845. "Sta. Barb. Arch."—"Cal. Arch.," Mis. & Colon. ii, 732-734.

[17] Pico's message was dated Los Angeles on the eleventh of September, and had then to be brought to Santa Barbara on horseback, a distance of one hundred and twenty miles. Fr. Durán's paper is dated September 15th. He must have penned his able reply on the spur of the moment; but such feats were common with him, though his body was racked with gout within the damp walls of the old mission.

the 11th of the present month, and indicate to you the ideas of my limited capacity on economical matters, which latter are not the most pertinent to my calling.

"In the year 1834, the epoch of Mission secularization, there existed too little foresight of the lamentable results which we all have experienced, and of the great difficulties which Your Excellency now encounters in trying to proceed to leasing, almost the only means known to assure the cultivation of the lands without prejudice to the property rights *which indisputably belong to the Indians.*[18] The demands which the merchants are making in order to secure the payment of the debts contracted for the missions are very just, and the payment of these obligations of justice must be considered as a point of national honor.

"I have reflected on the two methods pointed out by Your Excellency for escaping from these embarrassments, which methods consist in obtaining assistance from the Pious Fund and in selling some of the lands of those missions that owe large sums, but cannot pay them from the annual products. This second method, with the provisos and conditions which I shall explain later, is the one which in my opinion can extricate Your Excellency from the difficulties with which you see yourself surrounded in order to reach the port of tranquillity away from such embarrassment.

"First I shall speak of the Pious Fund. I believe that Your Excellency will convince yourself of the necessity of renouncing this method for the reason I now explain. Although it is certain that the decree, restoring the Fund to the administration of the Bishop, has been issued, this refers to nothing more than the unsold property. Now what does Your Excellency believe the unsold portion will amount to? It appears to me that it will not be the richest portion that

[18] "sin ofensa del derecho de propiedad, que indisputablemente compete á los Indios." The words were underlined by Fr. Durán. Thus, in season and out of season, to the very last, the friars insisted that the mission lands belonged to the Indians. Seizing them against the consent of the Indians, as did the Californians so-called, led by Pico, Alvarado, etc., was therefore nothing less than wholesale robbery. No one would in like manner venture to appropriate the lands of Indians in the United States Reservations.

is left; for it has been known here that the most valuable part was sold, and the Minister of the Treasury sanctioned it on the very day on which Santa Anna issued the decree incorporating the Fund into the public treasury, as the transaction had already been arranged beforehand. For that reason we must believe that what may remain unsold will be the minor estates or minor products for which there had been no purchaser. Even if there could be any hope that any part of the Pious Fund remained available, and remained unencumbered as far as the Government is concerned, would it remain unclaimed by private individuals? No, Your Excellency. There is a certain lawyer, Jáuregui, who is in charge of a lawsuit started against said Fund for $400,000. I have not heard any one speak of that suit while the Government had appropriated the Fund; but now, seeing it out of the power of the Government, it is very much to be feared that the suit will be revived, and no one knows how it will terminate.

"However, even if the Fund were entire and available, it does not appear conformable to the will of the testators that it should be made to serve for paying debts which the missionaries have not contracted, but which have been made by other very different hands. Even though some one should pretend that some missionary left debts unpaid at the time of the transfer of his missions to the secular administrators, it is an historical, notorious and evident fact that the missionaries left and turned over surplus property with which all the debts contracted by them could have been paid, and in fact they would have paid them, as they always paid them, if they had not been prevented by passing the missions to other hands.

"*The missions, as a rule, had certainly been wealthy. Had they not been such they would not have been secularized, because there would not have been any inducement.*[19] There-

[19] "Las misiones ciertamente en general eran opulentas. Si no lo hubieran sido no se hubieran secularizado, porque no hubiera habido aliciente." In two short sentences Fr. Durán exposes the true inwardness of mission "secularization"! and Pio Pico was the chief culprit! Italics are ours.

fore they possessed wherewith to pay the debts which some missionary perhaps had left. If they have not been paid, and any debts remain from the period of the missionary's management, the missionaries must not be called upon to answer, but their successors who received the means to pay them, but who instead perhaps have increased them to the amount which now causes embarrassment.

"To this might be added that the administrator of the Pious Fund could perhaps, without duly indicating the objects, causes, and hands that originated the debts, pay said debts at the expense of our stipends. In that case would be verified in us the just complaint of a prophet who said that *they made him pay what was due to himself*.[20] Owing to all that has been said, I think it expedient not to count on the Pious Fund to pay the debts of the missions, and that the little which is left should remain to comply with the will of the testators, which is the founding of new missions and the support of the missionaries who conduct the old missions. This destination of the Fund is so sacred that even, if he were the administrator of the Fund, the Bishop could not change it even for the expenses of the diocese, nor for the seminary in which strictly secular clergy is educated,[21] because the latter is not suitable for founding and conducting Indian missions,[22] but only for conserving what was already missionized, and supporting itself from ecclesiastical incomes and perquisites.

"Let us pass on to the second means proposed by Your Excellency, which is the sale of some of the lands of such missions as may have large debts. It is just that the Indians pay as well as they can for that by which they have profited, or which has plainly been purchased for their common use and benefit. In this particular, it is necessary to approach

[20] "que le hacian pagar lo que debia."

[21] "no puede variarlo (destino) ni aun para gastos del Obispado, ni de seminario en que precisamente se eduque clero secular."

[22] ordinarily, for many secular priests have founded Indian missions elsewhere and have devoted their lives to the conversion of aborigines; but in standing alone they were seriously handicapped and more sorely tried than the religious.

the matter with a scrupulous conscience in order to distinguish the objects of necessity or utility for the Indians from those of luxury which have not been employed for them. If any one, in a particular case, had asked me privately for the security of his conscience who must answer for the latter objects, I would have plainly said what is expedient, but I refrain from saying it because no one asks me.[23]

"Returning to what I said before, that it is very just that the Indians should pay for that which has served for their benefit, it seems to me that, with a good conscience, Your Excellency may proceed to offer to the respective creditor those lands which are necessary to pay the debts contracted, but in the following manner: First, have the land or lands which may be necessary for paying the debts appraised by three appraisers on the part of the government and three others in behalf of the creditors. Let the majority decide the valuation. Secondly, let the land be offered to the creditor at that valuation. If it exceeds the amount of the debt, he shall pay the excess for the benefit of the Indians.[24] Lastly, this offer may be made without calling for highest bidders; nor is the publishing of an official edict necessary; but it is sufficient to transact the business as much as possible in a private manner, just as any one paying a legitimate debt. If, perhaps, the creditor should not wish to accept the land, by that very fact he forfeits the right to make reclamation, and the government is then shielded against all further responsibility, since it gives evidence of being disposed to pay in the only manner in which it can do so.[25] Under these con-

[23] Pico and his confederates had no qualms of conscience, and therefore, since the year 1830, when they gave themselves up to French infidel notions and began to covet the mission lands, never would ask lawful and unselfish spiritual guides whether the proceedings militated against the Commandments of God or not. Probably Fr. Durán wanted to drive this fact home.

[24] Fr. Durán, like a true guardian, tries to safeguard the rights of the Indians. To such a sale of their lands, the Indians could be presumed to consent; but that is not what Pico wanted; nor did he later proceed in that way, conscience or no conscience, justice or no justice.

[25] "Si acaso el acreedor no quisiese acceptar la finca, por el mismo

ditions, more or less according to localities and other circumstances that may call for some variation, it seems to me Your Excellency can breathe with some ease in the disagreeable circumstances that surround you." [26] Fr. Durán then goes on to speak of local matters which will be incorporated in their place.

After this refusal on the part of Fr. Durán, Pico, October 2nd, 1845, addressed himself to the Bishop; but with no better success, for the reason that what Pico proposed was equivalent to asking the Bishop as well as Fr. Durán to betray a sacred trust. Bishop García Diego clearly intimates as much in his lengthy reply of which we herewith give the substance. "Although I am interested in the welfare of the country," His Lordship writes, "and occupy a prominent position, I must not be numbered among the rich capitalists, prosperous landholders and merchants, who with their means can contribute towards defraying the expenses of the government. Nevertheless, I am willing to make every sacrifice, even in money, provided always that I can do so with money that belongs to me. At present, such sacrifice is impossible. The Mexican Government has, indeed, assigned some money to me; but is that mine? Can I dispose of it at pleasure? No, Governor. It is well known that the money which I received belongs to the Pious Fund of California, save a small portion granted for my personal use. Of the former, I am not the master, but only the administrator, and can therefore not dispose of it except for the sacred purpose for which the founders of the Fund destined it.

"Besides some expenditures which, according to the intention of said founders of the Pious Fund, I made in behalf of Divine Worship, and in favor of these Indians for whom

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hecho se imposibilita para hacer reclamos, y el gobierno queda cubierto de toda responsabilidad, pues se manifiesta dispuesto á pagar del unico modo que puede hacerlo."

[26] Fr. Durán to Pico, September 15th, 1845. Pico, "Documentos," ii, 65-68. It is to be noted that all, save one, of the letters collected in the "Documentos" are only copies. The originals would be most valuable. What Pico did with them is not known.

Your Excellency evinces so much interest,[27] I have distributed through the Superiors in the north and south $4000 for the needs of the missionaries in this Alta California.[28] This is what I have done and shall continue to do conformably with my duty. As Your Excellency would not extract from the public treasury even the smallest amount, and use it for purposes not intended, so neither shall I employ designated funds for other purposes. I shall not even accidentally dispose of as much as one *reál* belonging to the Pious Fund for an object not intended by the donors. If I acted differently, I should do violence to my conscience and honor. By misapplying the property of another, I should be held grievously responsible before divine and human laws for not administering faithfully the deposit confided to me. However, all this presupposes that I have an amount to dispose of. In truth, Governor, the fact that in Mexico some money has been granted me does not prove that there is an abundance. I have to provide for the missionaries of Lower California as well as for those of Upper California. To some, on account of their stipends, there is due as much as $2000. I can let them have but $250. Then there are numerous other needs, not to speak of my own and of those in attendance. Hence there is actual dearth of even what is necessary, etc." [29]

Pio Pico now determined upon selling the remaining mission property, and thus to effect what he had in mind for the last fifteen years: the annihilation of the benevolent and once prosperous Indian missions of Upper California. He had no

[27] Pico must have winced at this probably unintended thrust. From his first appearance in politics, Pico manifested no interest for the welfare of the Indians, otherwise he would not have made war on the missions. His record at San Luis Rey is enough to condemn him.

[28] Fr. Ánzar, presidente of the Zacatecans in the north, and Fr. Durán, comisário-prefecto of the Fernandinos in the south.

[29] Bishop García Diego to Pico, October 6th, 1845. "Libro Borrador." On September 15th, the Bishop acknowledged to Pico receipt of a copy of the Decree restoring the Pious Fund forwarded by the governor under date of September 11th. The Bishop expressed little hope of receiving anything. "Cal. Arch.," Dep. St. Pap. vi, 498-499.

authority to take such a step. He might propose the sale to the Supreme Government and await its decision, which would have been adverse; but neither he alone nor he together with his four assembly men possessed any power to dispose of the Indian mission property. Nevertheless, Pico drew up a Reglamento, and again sent his secretary, J. M. Covarrúbias, with a draft of the document to Fr. Durán in order to secure his approval. If the governor could have the venerable Fr. Prefecto's consent, he probably thought he might satisfy his own blunted conscience that he was proceeding in the right path; and he might, at all events, meet every objection from others by pointing to Fr. Durán as the accomplice.

We should like to report that the Fr. Prefecto had refused to even indirectly recognize Pico's authority on the subject. His love for peace and harmony, however, which he had once before given as a reason for conferring with the governor on such a matter, led Fr. Durán to go as far as he possibly could. He read the draft submitted to him, and pointed out changes which should be made in articles 3, 10, 15, 18, 19 and 20; but flatly refused to countenance the sale of any property belonging to the Indians and their missions. Nor could the persuasion of Covarrúbias shake his determination to have nothing to do with such a scheme. "Señor Covarrúbias," he wrote to Pico, "broached the idea that it was preferable to sell the missions than lease them. From the little that was said in explanation, there seems to be an exceedingly weak foundation for your law;[30] and I doubt if it will ever be couched in terms that would be in keeping with the obligations it imposes. At any rate, *when treating of sales, they must always be made without my concurrence, nor must the word concurrence ever be mentioned in any document.*" [31]

Fr. Durán's refusal to lend himself to the governor's scheme

[30] "Que á lo poco que se explicó parece que coincide en lo que he llamado alguna vez **sensu resignativo.** Este trato, segun he visto en algun autor, es muy corto el fundo que cria su ley.

[31] "En tratandose de ventas siempre exijirse **que no sean con mi** acuerdo, ni sueñe jamas en ningun documento." Italics are in the original. Fr. Duran to Pico, October 7th, 1845. "Archb. Arch.," no. 2310.

could not deter the unscrupulous Pico from executing his determination. He made the few corrections pointed out by Fr. Durán, and then, claiming authority under the assembly decree of May 28th, 1845,[32] published his Reglamento for the sale of the Indian missions. It was dated October 28th, 1845. What has been said relative to the decree of May 28th applies with more force to this other assumption of the temporary governor, for, as yet, he had not been approved by the Supreme Government of Mexico. He had no authority in any case to issue such a decree, and, as we shall learn later on, the Mexican Government would not have sanctioned it if submitted. Pico, doubtless, suspected as much, and therefore took advantage of the troubles in Mexico to carry out his iniquitous scheme without Mexican approval. It is necessary to bear this in mind. The ruin of the missions is due to the young Californians headed by Pio Pico, and not at all to Mexico, as was the impression generally. The text of the Reglamento follows in the next chapter.

[32] This decree, likewise, was Pico's work. So Pico simply acted on the authority of Pico, for the assembly men were his tools.

## CHAPTER XV.

Pico's Reglamento for the Sale and Leasing of Missions.—Fr. Durán's Remarks on Said Act.—His Severe Judgment of the Indians.—Disorderly Neophytes at Santa Barbara.—Discouragement of Fr. Durán.—His Loving Solicitude for the Wayward Indians.—The Mexican Government Forbids the Sale of Missions.—Pico Ignores the Government.—How Missions Were Leased.—Pico to Fr. Durán.—Santa Barbara Mission Leased.—Pico to Fr. Durán Once More.—Missions Sold.

"PIO PICO, Governor ad interim of the Department of the Californias, to the Inhabitants thereof. Know Ye: That, in order to give due fulfilment to the resolution of the Excellent Departmental Assembly of the 28th of May last, relative to the leasing and alienating of the Missions, and being authorized by the aforesaid Excellent Body, I have thought proper to issue the following

Reglamento for the Sale and Leasing of the Missions.

*On Alienation.*

Article 1. There will be sold at this capital, to the highest bidder, the Missions of San Rafaél, Dolóres, Soledád, San Miguél, and La Purísima, which are abandoned by their neophytes.[1]

Art. 2. Of the existing premises of the pueblos of San Luis Obíspo, Carmélo, San Juan Bautísta, and San Juan Capistráno, and which formerly belonged to the Missions, there shall be separated the churches and appurtenances; one part for the curate's house, another for a court-house, and a place for a school, and the remainder of said edifices shall

[1] "There was first a preliminary farce of a proclamation to the Indians to return and take possession of the missions if they did not want them sold." H. H. Jackson, "Glimpses of California," 83. The Indians doubtless thought their presence was wanted in order to slave for the hired comisionados as heretofore, and therefore stayed away. The neophytes should have been allowed to possess their land independently of comisionados since 1834, if it was justice that Pico and his confederates desired.

be sold at public auction, where an account of them will be given.

Art. 3. In the same manner, will be sold the property on hand belonging to the Missions—such as grain, produce, or mercantile goods—giving preference for the same amount to the renters, and deducting previously that part of said property destined for the food and clothing of the Rev. Fr. Missionary and the neophytes until the harvest of next year.

Art. 4. The public sale of the Missions of San Luis Obíspo, Purísima, and San Juan Capistráno shall take place on the first four days of the month of December next, notice inviting bidders being previously posted up in the towns of the Department, and three publications being made in the capital at intervals of eight days one from the other before the sale. In the same manner, will be sold what belongs to San Rafaél, Dolóres, San Juan Bautísta, Carmélo, and San Miguél on the 2d, 3d, and 4th of January, next year.

Art. 5. From the date of the publication of these regulations, proposals will be admitted in this capital to be made to the government, which will take them into consideration.

Art. 6. The total proceeds of these sales shall be paid into the departmental treasury, to pay therewith the debts of said Missions; and should anything remain, it will be placed at the disposal of the respective Prelate for the maintenance of religious worship, agreeably to Article 2 of the decree of the Departmental Assembly.

*On Renting.*

Art. 7. The Missions of San Fernando, San Buenaventura, Santa Barbara, and Santa Inés, shall be rented to the highest bidder for the term of nine years.

Art. 8. To this end, bidders shall be invited in all the departments, by posting advertisements in the town, in order that by the 5th of December next they may appear in this capital, either personally or by their legal agents.

Art. 9. Three publications shall be made in this capital at intervals of eight days each, before the day appointed for renting, and proposals will be admitted on the terms expressed in Article 5.

Art. 10. There shall be included in said renting all lands, out-door property, implements of agriculture, vineyards, orchards, workshops, and whatever, according to the inventories made, belongs to the respective Missions, with the sole exception of those small portions of land which have always been occupied by some of the Indians of the Missions.

Art. 11. The buildings are likewise included, excepting the churches and their appurtenances, the part destined for the curate's habitation, the townhouse, and the place for a school. In the Mission of Santa Barbara, no part of the principal edifice shall be included which is destined for the household of His Lordship, the Bishop, and suite, and the Rev. Fathers who dwell therein; and there shall be placed at the disposal of the renter, only the cellars, movables and workshops which are not applied to the service of the said prelates.

Art. 12. As the proceeds of the rent are to be divided into three parts to be distributed according to Article 5 of said decree, the renter may himself deliver to the respective Father Prefect, or to the person whom he may appoint, the third part destined for the support of the priest and religious worship; and only in the Mission of Santa Barbara, the half of said rent money shall be paid for the same object, in conformity with the 4th Article of the decree of the Departmental Assembly.

Art. 13. The government reserves to itself the right of taking care that the establishments prosper; in virtue of which it will prevent their destruction, ruin or decline, should it be necessary during the period of renting.

Art. 14. The renting of the Missions of San Diego, San Luis Rey, San Gabriel, San Antonio, Santa Clara, and San José, shall take place when the difficulties shall have been removed which at present exist with respect to the debts of these establishments; and then the government will inform the public, and all shall be done agreeably to these regulations.

Privileges and Obligations of the Renters.

Art. 15. The renters shall have the benefit of the usufruct of everything delivered to them on rent according to these regulations:

Art. 16. The obligations of the renter are: 1st. To pay promptly and quarterly the amount of rent when due. 2d. To deliver back, with improvements, at the expiration of the nine years, whatever they may receive on rent, with the exception of the stills, movables and implements of agriculture, which must be returned in a serviceable state. 3d. They shall return at the same time the number of cattle which they receive, and of the same description, and of such an age as not to embarrass the procreation of the following year. 4th. They shall give bonds to the satisfaction of the government before they receive the establishments, conditioned for the fulfilment of the obligations of the renters—one of which is the payment of the damages which the government may be obliged to find against them, agreeably to Article 13.

*Of the Indians.*

Art. 17. The Indians are free from their neophyteship, and may establish themselves in their Missions or wherever they choose. They are not obliged to serve the renters, but they may engage themselves to them, on being paid for their labor, and they will be subject to the authorities and to the local police.

Art. 18. The Indians radicated in each Mission shall appoint from among themselves, on the first of January in each year, four alcaldes, who will watch and take care of the preservation of public order, and be subject to the Justice of the Peace to be named for each Mission by the government, agreeably to the decree of July 4th last. If the alcaldes do not perform their duty well, they shall be replaced by others, to be appointed by the Justice of the Peace, with previous permission from the government, who will remain in office for the remainder of the year in which they were appointed.

Art. 19. The alcaldes shall appoint, every month, from among the best of the Indians, a sacristan, a cook, a tortilla-maker, a vaquero, and two washerwomen for the service of

the priest, and no one shall be hindered from remaining in this service as long as he chooses. In the Mission of Santa Barbara, the alcaldes will appoint an Indian to the satisfaction of the priest to take care daily of the reservoir and water conduits that lead to the principal edifice, and he shall receive a compensation of four dollars per month out of the rent belonging to the Indians.

Art. 20. The Indians who possess portions of land, in which they have their gardens and houses, will apply to this government for the respective titles, in order that the ownership thereof may be adjudicated to them, it being understood that they cannot alienate said lands, which shall be hereditary among their relatives, according to the order established in law.

Art. 21. From the said Indian population, three boys shall be chosen as servants for the priest, and in order to assist in the ceremonies of the church.

Art. 22. The musicians and singers who may establish themselves in the Missions shall be exempt from the burdens mentioned in Article 18, but they shall lend their services in the churches, at the holy Masses and the functions which may occur.

*Of the Justices of the Peace.*

Art. 23. The Justices of the Peace shall put into execution the orders communicated to them by the nearest superior authority; they will take care that veneration and respect be paid to matters appertaining to our Religion and its ministers, and that the 18th and 20th articles, inclusive, of these regulations, be punctually fulfilled; they will see that no one be hindered in the free use of his property; they will quiet little disturbances that may occur, and, if necessary, impose light and moderate correction; and if the occurrence should be of such a nature as to belong to the cognizance of other authorities, they shall remit to such authorities the criminals and antecedents.

And in order that it may come to the notice of all, I command that this be published by public edict in this capital and the other towns of the Department, and that it be posted up

at the customary public places, and that it may be sent to whomsoever it may concern.

Given at the City of Los Angeles, on the 28th day of October, 1845.

Pio Pico.

José Maria Covarrúbias, Secretary." [2]

Pico transmitted a copy of his Reglamento [3] to Fr. Durán, and in return received the following reply: "I have received Your Excellency's favor which accompanied a copy of the Reglamento for the Sale and Leasing of the remainder of the things that belong to the missions. With it, we are about to begin a voyage full of hidden rocks and perils, through which I know not how we shall be able to reach the port of salvation. On this occasion, I must declare that my view on the leasing never was other than that the lands which the communities themselves were unable to cultivate might be leased. However, it is already observed that, because the absolute liberty of the Indians has always been held in view, there followed this resolution a general leasing contrary to my first ideas.[4] What is more deplorable is that, even if there were any will to take a step backward, it could not be done; for the Indians have their heads so stuffed with notions of liberty that there is no longer any force which could reduce them to a rational life. Nor will leniency any more succeed in dissuading them from the public and scandalous disorders which disturb society, and which are, for instance,

[2] "Escrituras Sueltas";—"Sta. Barb. Arch."—"Halleck's Report," Appendix no. 21, pp. 163-166; Dwinelle, "Colonial History," Addenda, no. lxiii, pp. 90-92; Bancroft, iv, 552-553; Hittell, ii, 382-383; Pico's Bando, October 28th, 1845. "Cal. Arch.," Dep. St. Pap., Angeles x, 280-289. "By this proclamation, therefore, the mission system or all that remained of it may be said to have been finally destroyed and the missions as such totally extinguished." Hittell, ii, 383.

[3] "This was not an 'Act of the Departmental Assembly,' as it has sometimes been styled, but a proclamation of Governor Pico in execution of the Act of May 28th, 1845." Dwinelle, "Addenda," no. lxiii, p. 90.

[4] That is to say, mission communities, which could work their land with profit themselves, were included against his wishes.

public drunkenness, robbing of other men's wives, the stealing of cattle, etc. Even this very day, Sunday, they have made my vaquero and the head servant drunk, and left me marooned at the presidio.[5] Nor was this the first time. What then shall we expect of the servants whom the Reglamento assigns to us, if it grants no power to coerce them? If for every transgression we have officially to approach the civil authorities, neither they nor we shall have time for anything else. On the contrary, we shall be the slaves of their great or little good will.

"I am likewise suspicious that the leasing will call forth few bids, partly for the reason of the well-founded fear of prospective lessees that they shall not find any laborers, and partly for fear of robberies. As far as this mission is concerned, I am convinced of it. Inasmuch as it has deteriorated since the comisionados made the inventory, I think the bids which may be made will be much lower; for the corn was allowed to perish; the grapes have been stolen; many cattle have been killed, and I was not able to prevent the damage. The gentlemen, who spoke of making offers, have therefore backed out for good reasons. The consequence is that the government, in order to carry out the Reglamento, will have to lease the missions for nothing. Who then will bear the burdens? How are the clergy and Divine Worship to be sustained? I suspect that hunger, persecution, disorders, and despondency have put an end to the ministry in the north.[6] Shall the same happen in the south? I can give no assurance, but it is to be feared, in view of the misery into which we are about to be plunged, under dependency to the Indians who are now wanting in reason and civility, and to be thrown out to perish under pretense of liberty, before there is established a strong, just, and vigorous government,[7] capable of making the laws respected as all free governments

[5] Santa Barbara presidio, whither Fr. Durán had gone from the mission to celebrate holy Mass and preach the usual sermon.

[6] Three Zacatecan friars from the northern missions were then at Los Angeles on their way to Mexico. Only two others remained some years more.

[7] Pico's government clearly was not such a government.

have ever done. The Indians, in my opinion, do not deserve to be directed by a missionary. A slavedriver is what they ought to have.[8] I do not want to continue, because I know that I easily excite myself.[9] I therefore refrain from making some remarks which I had in mind. I will reserve them for some other time, though I cannot help calling your attention to the difficulties that will necessarily follow from the nature of the voyage upon which we are about to embark.[10]

"Already, within a short time, there have run away a certain Narciso, single, with a woman married to Gaudéncio; Isidóro, single, with Estéfano, married to Agatón; and Andrés, single, with Rita, a widow.[11] If, perchance, they have gone into hiding at your capital or its vicinity, I shall esteem it a favor if Your Excellency would have them severely chastised, and on notifying me I could send the men interested after their wives. There are other runaways, such as Antéro, Toríbio, Juan de Díos, and I know not which others, whose absence I do not mind, except that they are musicians whom it has cost me twelve years of labor to teach.[12]

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[8] "Los Indios en mi concepto no son dignos de que los dirija un P. Misionero. Un arraes es lo que los convendria." The neophytes under the rule of the administrators must have grown insolent and wicked, indeed, to wring such a sentence from the sympathetic Fr. Durán. See also Fr. Durán to Pico, September 15th, 1845; Pico, "Documentos" ii, 65-68, near the end.

[9] If so, it was not evident from his writings, or he must have had wonderful control of his feelings. The situation at his mission, having to witness the havoc caused among his Indians, was sad enough, however, to arouse the indignation of the mildest of men.

[10] i. e., selling the missions and letting the Indians shift for themselves.

[11] Thus the work of the Fathers had already been undone. Fr. Durán must have felt indifferent at crime if he had not felt indignant at such a state of things. What must have been the condition at other missionary establishments, if under the very eyes of the Bishop such wickedness prevailed? for it will be remembered His Lordship resided here; but he as well as the friars could only look on with helpless grief.

[12] "cuya falta no siento sino por ser musicos, y costarme doce

"THEY ARE MUSICIANS WHOM IT HAS COST ME TWELVE YEARS TO TEACH." (FR. DURÁN.)

"Your Excellency will observe that all these matters need to be regulated and corrected. To witness all this worries and fatigues. However, on the first of the coming January, I shall give up the management of the temporalities of this mission. If by that time no lessees or administrators have appeared, I shall turn over everything to the Indian alcaldes, who may manage at their expense and profit." [13]

Notwithstanding their insolence and general worthlessness, acquired under the rule of the hired comisionados, the heart of Fr. Durán, like that of a mother for a wayward son or daughter, went out to the neophyte Indians. Thus he writes to Pico five weeks later: "I have expended for clothing and grain more than $1000 of what pertained to me for holy Masses and stipends; yet I am not very much determined to put the burden of repaying it on the unfortunate Indians.[14] As soon as the transfer is accomplished I shall bring to your knowledge the scrupulously compiled inventory with the valuation which you demand." [15]

Pico's own comisionados, Andrés Pico and Juan Manso, testified to the heroic generosity of the Fr. Prefecto towards the ungrateful Indians. Writing to the governor's secretary from Santa Inés under date of July 28th, 1845, they say "that on the 22nd of the present month the Fr. Prefecto, Fr. Narciso Durán, told them that of all the proceeds that may result in his favor from the missions of San Buenaventura

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años de trabajo en haberlos enseñado." Fr. Durán was himself a musician. He had organized bands at both Santa Barbara and Mission San José.

[13] "El dia primero de Enero siguiente dejo de entender en la administracion temporal de esta Mision. Si para entonces no hubiere dada providencia de arrendatarios ó administradores, entregaré todo lo de fuera á los alcaldes, que lo trabajan á su cuenta y provecho." Fr. Durán to Pico, November 16th, 1845. "Archb. Arch.," no. 2311.

[14] "He gastado en ropa y semillas para los Indios mas de mil pesos de mis pertenencias de Misas y Sínodos, aunque no estoy muy decidido en causar tanto perjuicio á los miserables Indios."

[15] Fr. Durán to Pico, December 26th, 1845. "Archb. Arch.," no. 2312.

and Santa Inés he makes donation to the neophytes of those same missions." [16]

Unmindful of Fr. Durán's warning, Pico proceeded to lease or sell missions just as he pleased in line with his illegal decree of October 28th, 1845. While thus occupied, the following order was issued by the Mexican Government: "Ministry of Justice and Public Instruction. Most Excellent Sir:—His Excellency, the President,[17] has received information that the Government of your Department [18] has ordered to be put up at public sale all the property pertaining to the Missions of said department which your predecessor had ordered to be returned to the respective missionaries for the management and administration of their temporalities.[19] Therefore, he has been pleased to direct me to say that the said Government will report upon those particulars, suspending immediately all proceedings respecting the alienation of the before-mentioned property until the Supreme Government has reached a resolution.[20] I have the honor to communicate this to Your Excellency for the purposes indicated, protesting to you my consideration and esteem. God and Liberty. Mexico, November 14th, 1845.—Montesdeoca. To His Excellency, the Governor of the Department of the Californians." [21]

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[16] "les dice el P. Prefecto, Fr. Narciso Durán, que todos los alcances que resulten á su favor en las misiones de San Buenaventura y Santa Inés, hace de ellos donacion en favor de los neófitos de las misiones referidas."—"Cal. Arch.," Missions xiii, 969.

[17] General José Joaquín de Herréra, one of the few Presidents who endeavored to secure peace for Mexico by lawful means.

[18] Pio Pico himself. California formed a department of the Mexican Republic.

[19] "que el gobierno de ese departamento ha dispuesto sacar á publica subasta todos los bienes pertenecientes á las Misiones del mismo, que el antecesor de V. E. habia mandado devolver á los respectivos Misioneros, para el manejo y administracion de sus temporalidades."

[20] "suspendiendo desde luego todo procedimiento en cuanto á enaginacion de los bienes de que se trata hasta la resolucion del Supremo Gobierno."

[21] "Cal. Arch.," St. Pap., Missions & Colon. ii, 685; Leg. Rec. iv,

Unfortunately, this document failed to reach California until about March or April of the following year. When it arrived, Pico simply disregarded the prohibition and continued the sales until nothing was left; but of this, more later on. The Minister's official letter is reproduced here to show the real animus of the Mexican Government towards the California Missions, and the lack of any authority on the part of Pico to dispose of the property. The suspicion is well founded that the governor was aware of President Herrera's mind, and therefore hastened to forestall any interference from that quarter. He incurred no risk, because the Supreme Government, war with the United States being imminent, could not think of punishing the unfaithful official without endangering its hold on California; for the paisano chiefs, being accomplices, were at one with Pico on the subject of the Indian missions at least.

Pico's mode of procedure in disposing of the Indian mission property may be learned from the correspondence carried on between him and Fr. Durán. "Nicolas August Den and Daniel Hill being the lessees of Mission Santa Barbara," the governor writes under date of December 16th, 1845, "Your Rev. Paternity will be pleased to proceed to the formal transfer of the lands and movable property, as well as of the implements of labor and appurtenances, of said mission to the aforesaid Den and Hill by way of scrupulous [22] inventory, stating also the valuation. This document will be drawn up in duplicate in order that one may remain in the possession of the said lessees, and the other be transmitted by Your Rev. Paternity to this government.

"In said transfer, because not included in the lease, need not be comprehended the articles at the mission in the form of

664-667; "Hoffman's Opinion," p. 29, in the Case of Thomas O. Larkin versus the United States, Land Commission, No. 754, District Court No. 402, "Orchard of Santa Clara"; Bancroft, v, 560-561. Hittell suppresses the Montesdeoca order.

[22] "bajo de un inventario escrupuloso." From the unscrupulous Pico this adjective came with poor grace. It was altogether unnecessary; for no one was more scrupulous about Indian or other property than the friars.

seeds, liquors, hides, tallow, mantéca, soap, leather, saddles, coin, and other things that may exist there beyond what is specified in the preceding paragraph; nor the furniture of the Missionary Fathers, nor the houses which they or the Rt. Rev. Bishop may occupy. Your Rev. Paternity will please dispose of such things, paying therefrom the debts which the mission may have, and reserving a sum of $200 as payment for the comisionados of the mission.[23]

"The government bears in mind that Your Rev. Paternity might not be able to assist personally in the transfer of the mission and its appurtenances, I have therefore thought it well to name the sub-prefect of your district coadjutor to Your Rev. Paternity in said transfer.

"While announcing this to Your Rev. Paternity for the purposes indicated, I avail myself of the opportunity of offering you the assurances of my respect and distinguished consideration. God and Liberty. Los Angeles, December 16th, 1845.—Pio Pico." [24]

In return, Fr. Durán wrote from Santa Barbara ten days later: "Replying to your favor of the 16th instant, in which you communicate to me the names of the lessees of this mission, the Señors Den and Hill, in order that I, in virtue of this notice, may proceed to deliver to them this Mission of Santa Barbara, I have to say that we immediately commenced the work, and to-day the surrender of San Marcos [25] has already been accomplished. The live-stock is now being collected. It has caused me a great deal of astonishment that $200 should be reserved for the comisionados for four days of labor, which, as we see, has been useless; for now it must be done over again just as though nothing had been done. There is nothing salable left, with the exception of fifty hides and six or seven barrels of grape brandy. If, perchance, there be just and reasonable grounds for having to pay this amount, I shall make a sacrifice and pay it with

[23] See note 37.

[24] Pico to Fr. Durán, December 16th, 1845. "Sta. Barb. Arch."

[25] an "asistencia" of the mission, about half-way between Santa Barbara and Santa Inés.

the aguardiente at the rate of $45 a barrel, which is the price at which it sells. Or, if it must be in silver, they will have to wait until the aguardiente is sold. Perhaps, in time, I myself may present other charges against the mission; for I have expended on account of clothing and grain for the Indians more than $1000 of what pertained to me for holy Masses and stipends. However, I am not very determined to put such a burden upon the unfortunate Indians.[26] When the transfer has been concluded, I shall forward to Your Excellency the inventory with the valuation scrupulously executed as you demand of me." [27]

On December 20th, 1845, Pico addressed Fr. Durán as follows: "My esteemed and always beloved Father.[28] At last, the leases have been effected for the missions of San Fernando, San Buenaventura, Santa Barbara, and Santa Inés, for $1125 and the payment of the debts in cash.[29] The first [30] at $1630; the second at $1200; the third and last at $580. The sale of Purisima produced $1110; and that of San Juan Capistrano $700 and something.[31] It seems opportune to indicate to Your Rev. Paternity that, as the lessees, every quarter, must deliver the third part of the rent to the prelate of the missionary religious, it will be well for Your Rev. Paternity

[26] The missions, such was the understanding generally, were held to be the property of the Indians. Pico undertook to lease or sell the missions, and apply the revenues, for the benefit of the Indians, after paying the debts. Fr. Durán, in order that the neophytes might not receive less, donated his claim to the Indians, just as he and all the friars since 1769 had given their services and their lives to the Indians. We shall soon learn that the neophytes received nothing; but that Pico used the money obtained in order to procure means for war against his rival José Castro.

[27] Fr. Durán to Pico, December 26th, 1845. "Archb. Arch.," no. 2312.

[28] Fr. Durán, of course, appreciated this at its true value.

[29] "un mil ciento veinticinco pesos, y pago de sus deudas al contado." The clause here is puzzling. It may refer to San Fernando, which, however, was leased for $1120.

[30] i. e., San Buenaventura. Pico appears to have things mixed.

[31] Pico omits San Luis Obispo. These three missions, then, were the first to suffer the humiliation of passing under the hammer.

to point out to me where and to whom the said third part should be paid, so that it may be done in the first quarter and thereafter in conformity with the wishes of Your Rev. Paternity.[32] The political horizon is somewhat obscured, though here we enjoy perfect peace since the departure of Don José Antonio Carrillo for the interior.[33] God is merciful, and will perhaps look down upon us with some consideration.[34] I wish that Your Rev. Paternity may preserve yourself in good health many years so that you may impose your commands upon your invariable servant and devoted friend, who loves you, and kisses your hand. Pio Pico."[35]

The information was transmitted to the venerable Fr. Prefecto rather late. Nor, whether designedly or not, was it complete; for the leasing of the missions had taken place fifteen days previously, when, as Pico wrote, "on the said 5th day of December, 1845, at public auction the following missions[36] were let to the bidders at the rental designated: San Buenaventura, San Fernando, Santa Inés, and Santa Barbara; the first named, for a term of nine years, to Narciso Botello and José Arnaz at $1630 a year; the second, to Andrés Pico and Juan Manso[37] for nine years at $1120 per annum; the third, to José M. Covarrúbias and Joaquín Carrillo for nine

[32] After swallowing the camel, Pico is very scrupulous to strain at gnats.

[33] i. e., Mexico, whither he had been banished. See chap. xvii.

[34] "Dios es misericordioso y tal vez nos verá con alguna consideracion." The governor must have been spiritually blind, indeed, if he imagined that Almighty God looked with favor upon the transactions of Pico and his confederates against the missions, not to speak of other things.

[35] "Santa Barbara Archives."

[36] It will be observed that Fr. Durán and Pico persist in calling the Indian establishments by their old term, not ex-missions, as some authors do, but just "missions." Such those were that remained in the hands of the friars, who refused to be regarded in any other capacity than that of missionaries. They would not permit the title of curate or pastor, because they only waited to be relieved by secular priests.

[37] The comisionados demanding $200 for four days' work at Sta. Barbara.

years at $580 a year; the fourth, to Nicolas A. Den and Daniel Hill for nine years at a rental of $1200 a year." [38]

On the preceding day, December 4th, 1845, the following missions were sold at auction, subject to the limitations specified in the decree of October 28th: San Juan Capistrano to John Forster and James McKinley for only $710;[39] La Purisima Concepcion to John Temple for $1110;[40] San Luis Obispo to James Scott, John Wilson and James McKinley for only $510.[41] "The titles were issued on December 6th, 1845, though the price was not in all cases paid, nor full possession given, until the next year." [42]

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[38] "Cal. Arch.," St. Pap., Missions xi, 984-988; Hayes, "Mission Book" i, 374-375, Bancroft Collection.

[39] "Cal. Arch.," St. Pap., Missions xi, 954-955. Unbound Documents, 390-391, Bancroft Collection.

[40] "Cal. Arch.," St. Pap., Missions xi, 907-909.

[41] "Cal. Arch.," St. Pap., Missions xi, 952; 956-957.

[42] Bancroft, iv, 553. On page 558, volume v, Bancroft says that "six other establishments were to be sold in January, but a purchaser was found for only one, that of Soledád, bought by Feliciano Soberanes for $800 on the 4th." This appears to be an error; for according to "Cal. Arch.," St. Pap., Missions xi, 955, Soledád was not sold until June 4th, 1846. Bancroft himself, v, 641, remarks: "Soledád was sold in June 1846 to Feliciano Soberanes."

## CHAPTER XVI.

Fr. Durán to Pico on Distributing the Proceeds.—Mission Santa Barbara.—Pico's Last Letter to Fr. Durán.—Fr. Durán's Last Communication to Pico.—Still Watchful for the Welfare of the Indians.—The Bone of Contention.—Castro versus Pico.—Elections.—Pico and Castro Abuse Each Other.—The Supreme Government Warns Pico and Castro.—Danger of War on Account of Texas.—Various Governmental Orders.—Why Pico and Castro Continued to Wrangle.

IN compliance with Pico's request regarding the distribution of the proceeds from the rental of the missions, Fr. Durán on December 26th, 1845, wrote as follows: "Yesterday I received your esteemed letter of the 20th instant by which you notify me concerning the amounts at which the missions of San Fernando, San Buenaventura, Santa Barbara, and Santa Inés have been leased. You desire to know my opinion on the ways and means how the missionary religious are to receive the share coming to them and to Divine Worship. To me the simplest way seems to be that each missionary receive personally from the lessees what is due him; because, if they were to get it through the prelate, distances and delays would cause them privations and injury, circumstances which we must take into consideration. This presupposes the case that the shares for Divine Worship and for the missionaries do not comprise one mass whose proportionate distribution should demand the intervention of the prelate. In whichever of the two ways it may be arranged, I encounter a notable drawback, which I am compelled to place before Your Excellency.

"First, San Buenaventura will be included in the sum total. A secular priest is stationed there, however,[1] who is not subject to me, but to the Bishop. The property of that mission

[1] Rev. José M. Rosáles had been placed in charge of the spiritual affairs, and with that, the mission was transformed into a parish; but Fr. Antonio Jimeno had been directed to retain charge of the temporalities.

is the product of labor performed under the guidance of the missionaries, and also of their stipends which they have added to the labor of the Indians down to the year 1830, as is evident from the old accounts which were kept down to the year 1834.[2]

"Secondly, if a common sum is made of the proceeds and distributed pro rata, we all shall receive a trifle, which I do not here specify in order not to waste time in figuring. If each one has to be content with his share, at Santa Inés and here, in each of which places are two priests, we shall receive the same trifle, which will scarcely suffice to pay for the meat.

"I find myself bound to bring all this to the attention of Your Excellency in order that you may weigh the circumstances and provide us with the necessaries of life. We do not aspire to magnificence nor to have an income, but only to have the necessary food.[3] If I were alone, I would not mention these difficulties, because I am content with very little; but I am the father of a family, so I have to care for the children, lest they trouble me with their permits.[4]

"Finally, the Reglamento[5] says nothing about the person who is to manage or invest the share that is coming to the Indians, or who is to give an account of said share as expended for food and clothing according to their needs. I entertain no desire whatever that the Missionary Fathers shoulder this burden; yet I see no third person who could perform the duty with impartiality.

"I forgot to say that, if the Missionary Fathers must be content with their respective share, those of Santa Inés, who

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[2] That is to say, when the decree of confiscation was issued by Figueroa.

[3] When it is remembered that these venerable old priests and their predecessors for seventy years had provided food and clothing for thousands of Indians, and had saved nothing for themselves, this begging for the mere pittance of life from the mission despoilers must strike the reader as extremely pathetic.

[4] The friars, his "children." All had their permits, or were entitled to leave the country according to the rules of their College.

[5] Pico's decree of October 28th, 1845, the mission death warrant.

have been favored least,[6] may count on help from the college,[7] which, as I hear, is most advanced in the possession of live-stock.

"Around here, there are no news whatever of a political nature as far as I know; however, I am usually the last one that learns anything about that particular. Nevertheless, in general, I agree with the political doctors, who believe that ere long we shall be the object of foreign conquest.[8]

"Señor Arnaz and another lessee have consulted me whether the share pertaining to the Indians must be paid in money? I have replied that neither to the Indians nor to the Fathers, at least not to the Fathers, must anything be paid in cash. It has always been my opinion that nothing should be paid in silver.[9] Likewise, I have been asked whether the lessees must repair the buildings that threaten to fall into ruin? My opinion has been that they are obliged to repair only those structures which can be used. As to the rest, which cannot be used, I believe it will be better and just that, before they fall, the tiles and good lumber be utilized, and the walls be left to time." [10]

"Along with this," Fr. Durán wrote to Pico a week later, "I transmit to Your Excellency a letter just received from Fr. Thomás Esténaga.[11] You will see from it what privations he says he is suffering. Your Excellency being nearer may ascertain to which point the description may be exact,

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[6] Their mission was leased at $580 a year of which sum only one-third was their share, that is to say $96 per year for each Father!

[7] Seminary at Santa Inés, which had lands granted by Governor Micheltorena, and was raising stock independently of the mission.

[8] "de acuerdo con los doctores politicos que creen que no tardaron en ser objeto de conquista estrangera."

[9] The Indians would spend the money foolishly; the Fathers wanted only food, as they would cling to their rule to the last to live and die poor.

[10] Fr. Durán to Pico, December 26th, 1845. "Archb. Arch.," no. 2313.

[11] at Mission San Gabriel, in the vicinity of Los Angeles. Unfortunately that letter is not extant.

then order the remedy, and so avoid just ground for complaints and disgust.

"By this date, the cattle here at Santa Barbara, to the number of 1000 head, have already been turned over. According to the lessees themselves, this would show that there may be a few more. In truth, I did not think there were so many. The credit is due these poor Indians. I see thereby that the stories of some people have been false or exaggerated. Only the horses still remain to be delivered, and then a little cloth remains to be made on the loom in order to clothe a few Indians who need it. I shall immediately collect the Indians, explain to them the Reglamento with its obligations and advantages, and then in the name of the government declare them free." [12]

The Fr. Prefecto's solicitude for his former Indian wards is furthermore apparent from another communication to the governor. After condoling with Pico on the death of his mother[13] whom Fr. Durán declares, was a pious and charitable woman, the Fr. Prefecto goes on to say: "I inform Your Excellency that this Mission of Santa Barbara has been given up entirely to the lessees, and the Indians are at liberty. To the Indians were assigned the little pieces of land which the Reglamento grants them. All has been done in accord with the lessees, and it seems we have left all contented. In consequence, they have presented to me a paper which I enclose to Your Excellency, but whose blots you will excuse. Considering how laborious it would be for all to present the demands and to execute the titles to each one in particular, I have thought, if Your Excellency approve it, that a general title should be issued in order that some authority put each Indian in possession of the lands which to date have been assigned them, expressing the conditions of the Reglamento on leasing, and entering the said general title with the justice of the peace, so that for all times the legal individual ownership of the Indians be in evidence, without prejudice to any declaration which unforeseen circumstances might at some period

[12] Fr. Durán to Pico, January 2nd, 1846. "Archb. Arch.," no. 2332.

[13] She passed away at Los Angeles in January, 1846.

make necessary, though never such as would infringe on this personal ownership." [14]

The situation at the several missions under the new order of things may be inferred from what was reported from any one of them. Santa Inés, for example, had been leased for $580 a year. This amount, divided as prescribed by Pico's Reglamento, into three parts, yielded to each sixteen dollars a month. The two hundred and fifty surviving neophytes might add to the six and one-half cents, coming monthly to each individual, by laboring for the lessees or by tilling the little plots of land graciously conceded by Pico out of the thousands which were theirs, and which they had cultivated under the guidance of the missionaries; but how would the missionary fare? There was no other income in sight beyond the eight dollars a month that fell to his share at this mission. This, as Fr. José Jiméno observed in a letter to Pico, would not pay for the meat.[15] Even this they would have to prepare themselves, unless they could procure the services of some kindly Indian gratis. Instead of obtaining relief from Pico, the rumor spread that the governor intended to sell Mission Santa Inés. It immediately aroused the watchful Fr. Prefecto.

Fr. Durán, under date of January 26th, 1846, accordingly wrote to Pico: "For some days it has been noised about here that you contemplate selling Mission Santa Inés in order to pay the debts contracted with the ships. This, if it is true, seems to be a very advanced step. It would be well to see first if the creditors could not be satisfied by means of the cattle raised by the mission. Inasmuch as that mission has not been abandoned by the neophytes, it seems to me that it must not be treated like those that are abandoned.[16] I think this matter deserves the attention of Your Excellency, and

[14] Fr. Durán to Pico, January 24th, 1846. "Archb. Arch.," no. 2333.

[15] "Que siendo" (el arrendamiento) "de 16 pesos al mes, ocho para el Culto Divino y ocho para el ministro, ya se ve que ni solo para la carne alcanza." Fr. J. J. Jiméno to Pico, January 21st, 1846. "Cal. Arch.," Dep. St. Pap. vii, 358-359.

[16] Pico claimed the abandoned missions were now public domain.

that you will not condescend to permit that such a step be taken." [17]

In response to this note and to Fr. Durán's letter of January 24th, 1846, Pico wrote on February 6th: "I have before me your very welcome letter of the 24th of January, and give you very many thanks for the part you have taken in the grief which the death of my mother has caused me. I hope that in your prayers Your Rev. Paternity will not forget the rest of her soul.

"By the same letter, I see that Mission Santa Barbara is entirely turned over to the lessees, the Indians free, all in satisfactory order, and that Your Rev. Paternity desires my answer to the questions which it pleased you to lay before me in your favor of the 20th of December, and which for very good reasons I could not answer at the time. I now take pleasure in repairing the fault, and I have the satisfaction of telling Your Rev. Paternity that, as far as concerns the payment by the lessees of the third part of the rent intended for the support of the priest and the maintenance of Divine Worship, the corresponding Reglamento in its 12th article says: "The lessee may himself deliver to the respective Rev. Fr. Prefecto, or to the person whom that prelate may commission, the third part, etc.," which is equivalent to saying that Your Rev. Paternity may arrange the distribution of this third part in the manner that is most suitable for the purpose for which it has been destined, and that the lessees comply with their responsibility on this subject by doing what Your Rev. Paternity may determine. For greater clearness I shall direct a circular to the lessees in order that they may entirely follow out what Your Rev. Paternity may decide on this point.

"With regard to the one-third part of the proceeds of the rent destined for the Indians, it seems to me very well that

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He and his confederates had treated them as public property ever since Echeandía's time, to be drawn upon by the young California chiefs whenever they wanted money or goods. Fr. Durán had suggested that the despoilers wait at least until the real owners, the Indians, had abandoned their property, before attempting to sell it.

[17] Fr. Durán to Pico, January 26th, 1846. "Archb. Arch.," no. 2334.

the Rev. Fr. Missionary be the one who should ask for it, receive it from the lessees, and distribute it; but it seems equally just and fair to allow the lessee some share in the distribution on account of the interest he has that the Indians live contented and satisfied with his treatment; and in order to forestall any ground for displeasure, which the management of said third part might occasion between the missionary and the lessee, it seems to me prudent to dispose that the friar receive said part and distribute it in accord with the lessee, except at Santa Barbara where the high esteem enjoyed by Your Rev. Paternity would leave no room for anything.

"I do not know whether the aforesaid intervention of the lessee will receive the approval of Your Rev. Paternity, and therefore I shall not sanction it until you be pleased to communicate to me your opinion. It seems likewise just to establish it as a general rule in the leased missions that the lessees should date their taking possession from the first of January, because in effect, with the difference of a few days, the lessees enjoy the use of what they have from this date. Consequently, the rent for the first three months must be paid on April 1st; but there will be opportunity to arrange this matter to the entire satisfaction of Your Rev. Paternity. The understanding also is that the rent of San Buenaventura will not be exempt from the wish of Your Rev. Paternity, notwithstanding that a secular priest has been stationed there by the Rt. Rev. Bishop. Please, therefore, communicate to me Your Rev. Paternity's opinion in order that I may officially direct what is expedient.

"The Indians who presented themselves and asked for land, and whom Your Rev. Paternity recommended to me in your favor of January 24th, have been dismissed favorably. I beg Your Rev. Paternity to place their enclosed petitions in the hands of the sub-prefect so that the justice-of-the-peace may put them into possession, and may draw up the papers on the subject in order that there exist due evidence and security for those interested.

"I do not know why it may have been said that the government thought of selling Mission Santa Inés; for this is a

matter which I never contemplated, notwithstanding that in reality some difficulties arose in paying the debts, difficulties which have been overcome by the lessees themselves, who have bound themselves to pay them on condition that the branded cattle remain in their charge for their benefit as well as the assets or claims of the mission. I shall rejoice exceedingly if Your Rev. Paternity enjoy a new year calmly and serenely so that you may give your orders to your faithful friend and servant, who with respect kisses your hand. Pio Pico." [18]

From the tone and wording of the preceding lengthy letter, one would suppose that Pico had been anything rather than an enemy of the missionaries and their missions. Ere long we shall see how sincere Pico was in his protestations of friendship and love of justice.

Promptly, as usual, Fr. Durán responded on February 11th: "I pass on to reply to your favor which Your Excellency was pleased to extend to me while awaiting my assent to the proposition regarding the disbursement of the amount due from the lessees to the Indians, the Divine Worship, and the missionaries. Beginning with the last two, it has always been repugnant to me that one mass be made of all that is coming to the two parties, and that the disbursement should be done through me; because, not counting the anxieties and troubles it would cost me, the result might be that some one would be dissatisfied, and would take it ill if the necessity arose for reducing one share in order to increase a smaller one. If we lived in community, as in a convent, there is no question that it would have to be arranged that way; but scattered as we find ourselves here, it seems more agreeable that each missionary collect his share directly from the respective lessee, and he will appreciate it if Your Excellency so dispose officially.

"Regarding the share pertaining to the Indians, I have never pretended anything else than that the lessees should not consider themselves alone burdened with the dispensing of

[18] Pico to Fr. Durán, Los Angeles, February 6th, 1846. "Sta. Barb. Arch."

meals, meat, and clothing, but that the Indians should make their demands through the missionary by means of tickets, and that the lessees should give them nothing except on presentation of tickets. Thus they preserve their responsibility and are enabled, by means of the tickets received, to render an account to the government, if it judges this expedient at the end of the year. This much intervention on the part of the lessees to me seems quite just and fair. It has always been far from my mind that the Fathers should administer so exclusively what is coming to the Indians, as it might possibly inspire some distrust; but that, what is given to the Indians, should be granted at their presenting a petition in writing; and that in the distribution of the clothing the lessees should assist in order to avoid every suspicion of misapplication. Such is my opinion which I submit to the superior view of Your Excellency. I desire the arrangement to apply to this mission as well, though I am pleased to see Your Excellency so kind as to make an exception in my favor.

"I am satisfied with what Your Excellency says regarding Santa Inés. What grieves me is the smallness of the allowance there, and I do not know how it will prevent them from starving to death. Moreover, they are two friars who are a great credit to the ministry.[19] Would to God some way might be discovered to ameliorate their condition! On returning here I casually learned that the Bishop has ceded one-half the tithes from the jurisdiction of San Buenaventura to the priest in charge there. This with the proceeds from the lease will perhaps form a sufficiently decent income, and may permit some arrangement in favor of one less well situated." [20]

The foregoing letter is the last document extant in the hand of the venerable Fr. Comisário-Prefecto Narciso Durán. From now on Pico and his confederates have it all their own way, as far as objection from the Franciscan Fathers is con-

[19] "Son dos religiosos **que hacen grande honor al ministerio.**" The emphasis is Fr. Durán's. The two friars were José Joaquín Jimeno and Francisco Sánchez.

[20] Fr. Durán to Pico, February 11th, 1846. "Archb. Arch.," no. 2335.

cerned. However, before we proceed to witness the last throes of the "mission giant" [21] in the last act of the drama where Pico and his legislatures kill the missions and are politically killed themselves, we must needs relate and bring up to date the civil and military occurrences of the last year of paisano domination; for mission history and territorial history still intermingle so much that, as yet, neither can ignore the other. Moreover, the end of Mexican-paisano rule coincides exactly with the extinction of its victim, the Indian missions; for with the giving away of the last stolen mission, Pico also signed his own political death warrant. Was it coincidence only? It looks more like retribution; but we are anticipating.

When Micheltorena had been compelled to resign, the political or civil government of California, as will be remembered,[22] devolved upon Pio Pico as the senior member of the legislative assembly, whilst the military command fell to José Castro. For a time, both worked together harmoniously enough, Pico residing at his capital, Los Angeles, and Castro at Monterey; soon, however, the distribution of the public funds caused discord. "Each had a host of friends to be rewarded with profitable positions; but Castro had the advantage, because it was easier to find a pretext for increasing the list of military officers than that of civil employees; and the general did his best to give everybody a commission." [23]

In June, an estimate of the necessary expenses of the civil list was made out and presented to Pico's assembly at Los Angeles. From this it appeared that the assembly itself required nearly $13,000 annually, including the pay of its members at $1500 each; Pico's executive office needed a little over $10,000; the superior court judges and attendants wanted nearly $13,000; the prefectures cost $4000; and the treasury department demanded nearly $3000. Thus the civil department of the territory, according to its estimate, required a

[21] So styled by Governor Micheltorena. See page 274, this volume.

[22] See chapter viii, this section.

[23] Bancroft, iv, 559.

sum of $42,000 a year. There being no Indian missions to draw upon as formerly, all the expenses had to be paid from the income of the custom-houses, which amounted to only about $70,000 in twelve months.[24] Pico's legislature resolved that one-half of the receipts from custom duties should be devoted to the civil list, instead of one-third, as had been authorized by law; but José Castro and his military department offered such violent opposition to the change that Pico found it advisable to yield. On July 26th, 1845, a formal agreement was drawn up and signed by the two chiefs, who solemnly pledged their word and honor that the receipts from the custom-houses should be applied first of all to pay the debts incurred by Micheltorena and by the Californians in expelling him, and that the remainder should be divided into three parts, of which two should go to Comandante-General José Castro for military purposes, and one to Governor Pico for civil purposes. Furthermore, neither party should interfere with the distribution of the other's share.[25]

The consequence was that the legislative assembly, which had been in session since August 1st, 1845, on October 8th resolved to adjourn, on the ground that the members, not being able to collect their salaries for want of funds in the treasury, must go home to earn a living.[26] During the sessions, the northern members Spence and Munrás had not attended, ostensibly on account of sickness, but in reality, says Bancroft, because they were unwilling to serve as a minority and at a southern capital. Two days before the adjournment, October 5th-6th, a general election was held, the last

[24] At the end of 1845, the custom revenues amounted to $140,000. Bancroft, iv, 560. From March 1845 to March 1846 the same revenues reached the sum of $150,000. Rafael Sánchez to Pico, March 2nd, 1846. "Cal. Arch.," Dep. St. Pap. vii, 392-393.

[25] Bancroft, iv, 560; Hittell, ii, 374.

[26] Session, October 8th, 1845. "Resolucion: 'Quedan suspendidas las sesiones de la Hon. Asamblea por el resto de este año en razon de haberse dado permiso á los Srs. Diputados, que residen fuera de esta capital, para que se retiren al lugar de su residencia en atencion á los perjuicios que deben sufrir por no estar pagados sus sueldos vencidos, que como funcionarios les corresponden.'" "Cal. Arch.," Leg. Rec. iv, 321.

under Mexican rule, at which Juan B. Alvarado was chosen delegate to Congress, with Manuel Requena as substitute.[27] Neither ever went to Mexico, because the means for the journey and for the stay at the capital were wanting.[28] The territorial treasury was empty; and, as for the goose that had laid the golden eggs thus far, the Indian missions, it had been killed by the California would-be statesmen among whom Alvarado had been most conspicuous.

On the same occasion, three members for the next assembly were chosen to take the places of Spence, Munrás, and Estráda, whose terms expired. Those elected were Juan Bandini, José Ábrego, and Santiago Argüello. This left one northern member to six southerners, that is to say, besides the three new legislators, Pio Pico, Francisco Figueróa, Narciso Botello, and Francisco de la Guerra. The substitutes were Joaquín Carrillo, Abel Stearns, Santiágo E. Argüello, Agustin Olivéra, Ignácio Palomáres, Antonio M. Pico, and Joaquín Ortega. Pico gave notice that he would call the new assembly to meet at Los Angeles on January 1st, 1846, but, as will appear in time, he failed to collect them until March.[29]

Notwithstanding their written agreement, there was no cordiality between the temporary governor and the comandante-general. On the contrary, each tried to eliminate the other, and each, in his own way, appeared to be gratified on finding the other abused. Castro allowed pasquinades against Pico to be posted up at Monterey, and was charged with extending a sort of protection to the authors of them. On the other hand, the governor, in his communications to the Supreme Government, said unpleasant things about Castro whenever an opportunity presented itself.[30]

This was all very foolish, especially in view of the fact that the territory was threatened with a foreign invasion, which

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[27] "Cal. Arch.," Dep. St. Pap., Monterey iii, 282; Dep. St. Pap. vi, 205-206; Dep. St. Pap. viii, 103-104; Bancroft, iv, 539.

[28] Bancroft, iv, 539-540; Hittell, ii, 399.

[29] "Cal. Arch.," Dep. St. Pap. vi, 205-206; Dep. St. Pap. ix, 462-463.

[30] Hittell, ii, 393-394.

the Californians, wrangling among themselves for position and spoils, disregarded. The mother country, however, perceived the danger. As early as March 22nd, 1845, Minister of Relations Luis Cuévas warned the acting governor that "the Supreme Government had received official information that the Congress of the United States had approved the incorporation of Texas into the Union; that the Mexican Congress and the Government were discussing that question; and that he would communicate the resolution so that the California government might unite with the Supreme Government for the defense of the rights and the good name of the Nation." [31]

A week later, March 31st, 1845, Minister of War Pedro García Conde, notified the comandante-general of California, José Castro, that diplomatic relations between Mexico and the United States had been broken off on account of the annexation of Texas by the United States.[32]

On July 9th and 10th, 1845, Cuévas directed Pico to organize the military forces of the territory,[33] and to prevent the introduction of immigrant families from Oregon,[34] because such immigration might produce other complications.[35]

A week after, General García Conde wrote to José Castro: "The United States has consummated the perfidy, which it had all along prepared against Mexico, by sanctioning the resolution which declares the annexation of the Department of Texas to that Republic.[36] The injustice of that usurpa-

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[31] "para que se una al Gobierno Supremo en la defensa de los derechos y buen nombre de la Nacion." "Cal. Arch.," Sup. Gov. St. Pap., xviii, 223-225.

[32] "que han cesado las relaciones diplomaticas entre Mexico y los Estados-Unidos por Causa de la anexion de Texas." "Cal. Arch.," Sup. Gov. St. Pap. xviii, 226-228.

[33] "Cal. Arch.," Sup. Gov. St. Pap. xviii, 65-68.

[34] "A very proper order under the circumstances, it must be confessed." Bancroft, iv, 605.

[35] "Cal. Arch.," Sup. Gov. St. Pap. xviii, 69-70.

[36] "Los Estados Unidos han consumado la perfidia que tenia preparada á Mexico, sancionando el Decreto que declara la agregacion del Departamento de Texas á aquella Republica."

tion is approved, but Mexico cannot tolerate so great an affront without making an effort to prove to the United States the possibility of making her rights respected.

"For that purpose the Supreme Government is resolved that the Nation should declare war against that power, since the forbearance which has been exercised towards it has not been met on the terms of civility which have been observed towards it, but in a manner which insinuated impossibility of waging war against it successfully.

"This illusion under which the Republic of the United States labors will be advantageous to Mexico, because, leaving the peaceful attitude which she had taken on the subject, it will on the very morrow propose to Congress a declaration of war,[37] and it will know how to arouse the patriotism of the citizens for the maintenance and honor of the Nation, and the integrity of its territory, which are attacked in a manner vile and devoid of the guaranties which the enlightenment of the present age offers.

"Your Honor will recognize the importance of this matter, and the necessity for you of making ready the troops of your command so that they may move to any point which it may be necessary to defend against the most unjust aggression.

"In effect, His Excellency, the Acting President,[38] commands me to direct to Your Honor the present note in order that, as commander-general and citizen, you may be ready to combat those who may desire the ruin of Mexico. The Government on its part, will occupy itself protecting frontier points, and procuring the means in order that nothing may be wanting to those to whom may fall the glory of defending the most sacred rights of their country." [39]

On the same date, Minister Cuévas notified Governor Pico that, "since the Government is officially informed that Texas has resolved to join itself to the United States, the Republic

[37] "Mañana misma iniciará á las Cámeras la declaracion de la guerra." If it was proposed, it failed to pass just then.

[38] Herrera. Santa Anna had once more been deposed as President.

[39] García Conde to José Castro, July 16th, 1845. "Cal. Arch.," Sup. Gov. St. Pap. xviii, 235-236.

finds itself obliged to defend its rights over Texas; and in order that the Government may be able to have the whole army at its disposal, you are commanded to dictate all expedient measures to the end that the purpose of the decree of June 4th may be accomplished, and that the force of defenders may offer the service to which they are called by said law." [40]

One of the customary revolts compelled President Herréra to resign his office on December 30th, 1845. On January 3rd, 1846, a gathering of representatives elected the successful revolter, General Mariano Parédes y Arrillaga, to act as President. He was installed next day, and on the 5th Minister José Maria Ortíz Monastério officially notified Pico.[41] Under date of January 14th, 1846, Minister of Relations Joaquín Castillo y Lánzas instructed the California governor that "families from the United States residing on the frontier must not be permitted to remain in the territory whilst the interruption of diplomatic relations with the United States continues." [42]

One should reasonably suppose that such oft-repeated orders from the Supreme Government would have alarmed the so-called Californians, induced them to bury their differences, lay aside their personal ambitions, and unite for the protection of the common country; but that would have argued disinterestedness in the Picos, Castros, Alvarados, etc., of which ever since they had appeared in public life they never gave evidence, and of which they seemed incapable. Despite the voices of Religion and Justice, they had sacrificed the Indian missions to their greed, and had evicted the unselfish and venerable missionaries. What reason was there to hope that the ambitious and selfish leaders would hold the welfare of

[40] Cuévas to Pico, July 16th, 1845. "Cal. Arch.," Sup. Gov. St. Pap. xviii, 72-73. A later order of Cuévas, August 9th, 1845, ordered Pico to enlist recruits. Ibidem, p. 68.

[41] "Cal. Arch.," Sup. Gov. St. Pap. xviii, 278-279.

[42] "Las familias de Estados Unidos, que residen en las fronteras, no deben permanecer en la Republica mientras duren interrumpidas las relaciones con los Estados Unidos." "Cal. Arch.," Sup. Gov. St. Pap. xviii, 273.

the state politic more sacred than the missions consecrated to the honor of God and the benefit of souls? Each of the wrangling paisano chiefs wanted to be on top. For that purpose they sacrificed whomsoever and whatsoever stood in the way. Hence the spectacle of the childish struggle for power between the Pico and Castro factions. Instead of subsiding, as the Supreme Government desired, the factional fight grew warmer, and would eventually have enveloped the whole territory in civil war, had not a foreign power introduced a lasting peace by driving out both the selfish cliques.

## CHAPTER XVII.

José Castro's Independence.—Captain J. C. Fremont Arrives.—Ordered to Leave.—Raises the United States Flag.—Withdraws.—Castro's Proclamation.—He Calls a Military Junta.—Its Resolutions and the Signers Thereof.—Pico Protests.—Factions.—Pico Governor of Right at Last.—New Legislature.—Pico's Address.—Castro Denounced.—Pico Calls a Consejo General.—Castro in Turn Protests Violently.—Vallejo.—Fr. Durán Invited by Pico.—Joint Reply of Fathers Durán and González.—Out of Politics.—Pico's Junta Fails.—Pico Leads Troops Against Castro.—Bandini Rampant.—Castro According to Bancroft.—Hittell's Deductions.—Root of the Evil.—Bancroft's Summary.

ALTHOUGH down to December 1845 Castro had acted independently of Governor Pico, the comandante-general had not put himself in direct opposition to Pico; but the latter's determination to substitute Ignácio del Valle, a southerner, for José Ábrego as treasurer at Monterey precipitated a conflict. Castro feared that the governor intended to carry out the scheme of removing the treasury to Los Angeles; and therefore would not permit Ábrego to surrender his office. Pico then invited Castro to meet him in conference at Santa Barbara for the purpose of compromising their differences. The governor actually went to Santa Barbara; but Castro was just then engaged in an affair of state which he undertook to settle without consulting Governor Pico, and so neglected going south.[1]

Captain John Charles Fremont, an officer of the United States Army, with sixty-two men, among whom were five or six Delaware Indians, had come to California for the purpose of continuing an exploration begun two years previously. No other officer or soldier of the United States accompanied Fremont. The expedition, which he commanded, consisted of scientific men, trappers, backwoodsmen, and the few Delawares whom he had enlisted as security against

[1] Bancroft, iv, 558; v, 35-36; Hittell, ii, 395.

savage Indians and to procure subsistence along the road. With them, the captain reached the Sacramento Valley in January 1846, expecting to pass the winter in the territory if he could obtain leave from the authorities.

In order to avoid the appearance of a military invasion, Captain Fremont proceeded alone to Monterey to procure such permit. In company of Thomas O. Larkin, United States Consul at Monterey, he called on Comandante Castro, and communicated as his object that he was engaged in the scientific survey of a road to the Pacific; that his men, whom he had left on the frontier to recuperate, were not soldiers, but assistants; that he desired to pass the remainder of the cold season in California; and that, after he had purchased supplies and clothing, he would resume his survey and march to Oregon in the spring. Castro apparently gave the required permission, or at least made no objection. Nor did Governor Pico, who had been notified, offer any objection. After Fremont had procured funds and supplies from Consul Larkin he returned to his camp; but a few weeks later, instead of proceeding northward, he led his company down the coast, and moved to the slopes of the mountains back of Mission San Juan Bautista, about thirty miles northeast of Monterey.

From his camp at Hartnell's rancho, Fremont on March 5th, 1846, wrote to Larkin that he hoped to pass the spring pleasantly among the California flowers, and would that night move his camp to the Salinas River. Orders had, meanwhile, arrived from the Mexican Government prohibiting foreign immigration and commanding American settlers to be removed from the frontier.[2] Hence it was that, before Captain Fremont could effect his resolution, a California officer arrived with the following despatch from General Castro dated March 5th: "This morning at seven, information reached this office that you and your party have entered the settlements of this department. This being prohibited by our laws, I find myself obliged to notify you that, on the receipt of this, you must immediately retire beyond the

[2] See preceding chapter.

boundaries of the department, such being the order of the Supreme Government, which the undersigned is under the obligation of enforcing." A similar note was issued by Prefect Manuel Castro in behalf of the civil authority held by Governor Pico.

Instead of a reply, Captain Fremont moved his camp to the summit of the Gavilán Mountains,[3] hastily erected fortifications, and over them raised the flag of the United States. José Castro then gathered his men, about two hundred in number, at San Juan Bautista. Early on March 10th, Prefect Castro sent out a summons to the people of the north, calling upon them to join the force at San Juan, and aid in the work of repelling invasion and vindicating the national honor. Meanwhile, Fremont awaited Castro's attack; but the general was not eager to come within the range of the American rifles. Consul Larkin, however, on the 9th, had contrived to get a message to Fremont informing him of the movements of the Californians. Without reading the consul's missive, Fremont hastily wrote a note acknowledging the receipt, and closed with the postscript: "I am encamped on the top of the sierra, at the headwaters of a stream which strikes the road to Monterey at the house of Don Joaquín Gómez." Having now waited three or four days, observing through a field-glass the preparations made in the valley below for capturing his command, and not daring to compromise the United States, as he wrote, Fremont, during the following night, retired "slowly and growlingly before a force of three or four hundred men and three pieces of artillery" towards the Sacramento.[4]

Castro dared not pursue the Americans, but he thought it a good opportunity for issuing a proclamation after his usual pompous style. This he did at San Juan Bautista on March 13th, 1846. The general called Fremont and his party a band of highwaymen, who, despite the laws of the country, had

[3] "Cerro de Gavilán," or Hawk's Peak.

[4] Bancroft, v, 3-21; Hittell, ii, 395-396; 415-420; Upham, "Life of Fremont," 211-216; J. M. Cutts, "Conquest of California and New Mexico," 144-152; J. Bigelow, "Memoir of J. C. Fremont," 133-136.

entered the territory, entrenched themselves, and even raised the American flag in defiance of the authorities; but, seeing the force sent against them, the intruders had abandoned their camp. The very presence of such audacious invaders was an insult deserving the execration of every Mexican. He, therefore, called upon his fellow citizens to arm themselves for the defense of their independence, and to repel with strong hand the aggressions of the ingrates, who, after receiving so many proofs of hospitality, had made such a vile return for cordiality and kind treatment.[5]

Castro, as the reader will infer from the general's previous brave record, was of course glad enough to see Fremont depart without allowing the Californians to repeat their feats of heroic courage, and so nothing came of Castro's grandiloquent bando. No sooner had Pio Pico, however, heard of the proclamation than he wrote to its author expressing surprise that any such action, and especially any such march against Fremont, as he was reported to be contemplating, should be taken without the knowledge of the territorial government, which was quite as much interested in the defense of the country as the comandante-general could be.[6] There the matter rested for the present; but the warlike general could not rest.

Castro's next move displayed still more independence from the governor, and also furnished evidence that he was by no means alone in the course adopted. Towards the close of the month of March he called a junta or meeting of military men for the purpose of deliberating on the best policy to pursue. "The chiefs and officers of this garrison and of other points of the department, on April 2nd, 1846," accordingly, "assembled at the plaza of Monterey, Alta California, where

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[5] José Castro, "Proclama sobre Invasion del Territorio por Fuerzas de Fremont," March 13th, 1846. "Cal. Arch.," Dep. St. Pap., Angeles x, 90; Dep. St. Pap. vii, 179.

[6] Hittell, ii, 396; "Cal Arch.," Dep. St. Pap. vii, 179. Pico reported to the Supreme Government the arrival of Fremont and threatened approach of many other Americans, even Mormons, who claimed California to be the "Promised Land" of the Scriptures. "Cal. Arch.," Dep. St. Pap. ix, 376-377, no date.

in the hall of the comandante-general the general explained that the object of the meeting was to promulgate the Pronunciamento announced at San Luis Potosí on December 14th last year by General Mariano Parédes y Arrillaga,[7] and approved at the Capital of the Republic by Generals Juan N. Almonte, José M. Tórnel, Gabriel Valencia, and Pedro Ampúdia."[8] The resolutions taken at this meeting bear the signature of twenty-nine officials, among whom the most prominent were José Castro, J. B. Alvarado, Mariano G. Vallejo, José A. Carrillo, José M. Flores.[9] On May 7th, the Monterey town council declared its adhesion to the same Plan of San Luis Potosí as enunciated by the military junta. It was also indorsed by the custom-house officials and by the local authorities of the pueblo of San José.[10]

On April 11th, Castro reconvened the junta militar for the purpose of taking steps to defend the territory menaced by Fremont, and to decide what should be done with regard to a request from Pico asking the general to meet him at Santa Barbara. The meeting reached the following decision: 1st, that Castro's presence was indispensable in the northern towns, which must be fortified and defended; 2nd, that Pico

[7] This pronunciamento advocated a vigorous war against the United States for the retention of Texas. It was, therefore, a decidedly Anti-American declaration. For signing the resolution taken at Monterey, "however much Vallejo may since have claimed to have been a friend to the Americans, the record above cited indicates very plainly that he was not," Hittell remarks, ii, 397; but the same may be said of Hittell's client, Alvarado. Bancroft's "History of Mexico," v, 290-293.

[8] Vallejo, "Documentos," xxxiv, no. 193; "Cal. Arch.," Dep. St. Pap. vii, 201-204.

[9] The other signers were Victor Prudón, José Ábrego, Mariano Silva, Pedro Narváez, Joaquín de la Torre, Macedónio Padilla, Francisco Árce, Ignácio Servin, Bautista Castro, Manuel Castro, José M. Soberanes, Eugénio Montenégro, Antonio M. Somoza, Mariano Villa, Rafael Sánchez, Manuel Marquéz, Juan de Castañeda, Francisco Eguren, Manuel Garfías, Francisco Limón, Gabriel de la Torre, Valentine Gajiola, Guadalupe Soberanes, and Juan Soberanes. Vallejo, "Doc.," xxxiv, no. 193; Bancroft, v, 41.

[10] Bancroft, v, 41.

should be invited to come to Monterey and take part in the salvation of the territory; 3rd, that if Pico should not accept the invitation, General Castro might act as seemed best, and establish his headquarters at Santa Clara; 4th, that this arrangement should last until the coming of orders and resources solicited from Mexico through Castillero, the commissioner.[11]

The governor's reply to this act was a violent protest against it as being an assumption of patriotism for the purpose of paralyzing the administration and disturbing the peace; that the so-called junta of Monterey attempted to interfere in matters which were beyond its sphere; and that, its acts being null and void, the departmental government would so consider and treat them.[12]

Pico continued his protests in a private letter to Mariano Vallejo, in which he claimed that the military junta had called upon the people to join Castro merely to oppose legitimate authorities, and had ignored not only the governor, but the assembly, and even the whole south. Evidently Pico was deeply chagrined for being treated to doses of his own medicine. Vallejo, in reply, pointed out the groundlessness of Pico's suspicions. He maintained that there was real danger in the north of a foreign invasion; that neither the council of officers nor Castro had exceeded their legitimate powers; that it would be absurd to require a comandante-general to consult the governor two hundred leagues away in a case of emergency; and that Pico had allowed his prejudice to get the better of his reason.[13]

Thus, allowing Bancroft to describe the situation, "the quarrel between Castro and Pico; between the military and civil authorities; between the north and south; between comandante-general with custom-house and treasury, at Monterey, and governor with assembly, at Los Angeles, was con-

[11] "Cal. Arch.," Dep. St. Pap. vii, 194-197; Hittell, ii, 397-398; Bancroft, v, 42.

[12] "Cal. Arch.," Dep. St. Pap. ix, 653-655; "Documentos Historicos Cal.," iii, 190, Bancroft Collection.

[13] Pico to Vallejo, May 2nd, 1846; Vallejo to Pico, June 1st, 1846. "Documentos," xii, no. 219; Bancroft, v, 42-43.

tinuous, undignified, and fruitless. All admitted the deplorable condition of California, and attributed it largely to internal dissensions, as well as to Mexican neglect. As a matter of fact, nothing that was being done or left undone, had upon the future of the country any other effect than the indirect one of so disgusting a part of the people that they were ready to welcome any change. Yet each faction pretended to believe that with the cooperation—that is, the entire submission—of the other faction, the country might be saved. Pio Pico had little doubt that from the patriotic wisdom of himself and the southern assemblymen, the true representatives of the popular will, a plan might be evolved for salvation—would General Castro but recognize that wisdom, let the revenues alone, keep the Indians in check, and use his military force exclusively to carry out measures dictated by the political authorities. José Castro, on the other hand, maintained that the protection of the country was purely a military duty, since the chief danger was that of invasion, and that until the danger should be past, it behooved the governor and the assembly not to interfere with the general's prerogatives, but humbly furnish such aid as might be asked for. Each entertained, personally, feelings of jealousy, distrust, and hostility toward the other; and each exaggerated the other's hostility. Each thought at times of using force to overthrow the other, doubting not the other was devoting his constant energies to similar ends. Each appealed sometimes to the other to forget the past dissensions for the country's sake; mutual friends interfered more or less injudiciously and unsuccessfully; and the foolish quarrel dragged its slow length along." [14]

While "thus insulted by Castro's presumption and threats to defend the country, Don Pico was comforted by the receipt of his appointment as constitutional governor of California." This appointment was made by Acting-President Herrera on September 3rd, 1845. On the same day it was communicated to Pico by the Minister of Relations, Manuel Peña y Peña as follows: "The President ad interim, taking into

[14] Bancroft, v, 30-31.

consideration the accredited patriotism [15] of Your Excellency, as well as your commendable qualities which render you worthy of the confidence of the Supreme Government, was pleased to name you governor of that department in conformity with the proposal made by that Honorable Assembly on June 27th of last year."[16] Pico placed the document before his assembly on April 15th, 1846. On the 18th, before that body he took the oath of office and delivered an address. "When this ceremony was concluded, a solemn *Te Deum* was sung at which the assembly, the town council, and the other authorities assisted with all the persons present." [17] Presumably, this took place in the plaza church, Los Angeles. Pico notified the Bishop of his appointment on April 22nd,[18] and probably also Fathers Durán and Rúbio; for both jointly under date of April 25th, 1846, in the hand of Fr. Rúbio, congratulated him on his appointment as "Gobernador Constitucional de este Departamento de California Alta." [19]

The new legislature elected in October of the previous year had begun its sessions at Los Angeles on March 2nd, 1846. The members, besides Pio Pico, were Francisco Figueroa,

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[15] "acreditado patriotismo." Patriotism implies voluntarily subordinating personal ambition and interests to the general welfare. Where Pico ever had been distinguished for that kind of patriotism is not discoverable. The same may be said of the Bandinis, Alvarados, Vallejos and other paisano chiefs.

[16] The President had no choice, if he desired to avoid strife. Pico might, otherwise, have inaugurated another revolt. So the President simply accepted the first on the list nominated by the assembly, and added what taffy he thought suitable to insure the adherence of the clique which happened to be in power. Minister Peña y Peña to Pico, September 3rd, 1845. Pico, "Documentos," ii, 167; "Cal. Arch.," Dep. St. Pap., Angeles xi, 857-859; Dep. St. Pap. vii, 162; 164; xiii, 239-240; "Unbound Documents," p. 206, Bancroft, v, 40.

[17] "Concluida la ceremonia, se cantó un solemne Te Deum á que asistió la Asamblea, Ayuntamiento y demas autoridades con las personas particulares presentes." "Cal. Arch.," Leg. Rec. iv, 664; 668-670.

[18] "Escrituras Sueltas."

[19] "Archb. Arch.," no. 2328.

Francisco de la Guerra, Narciso Botello, Juan Bandini, and Santiago Argüello, all southerners. In his opening address, Pico touched various subjects, such as the invasion of the foreigners, the expected arrival of 10,000 Mormons, Fremont's incursions, the missions, education, etc. The governor represented the territory "as being from every point of view in a most unfortunate condition. Education was utterly neglected, as was the administration of justice, largely on account of the fact that justices of the supreme court had declined to accept their appointments. The missions were so burdened with debt that the government had been able to sell or rent only a few of them.[20] The army was totally disorganized, soldiers enough for the protection of Monterey only being kept under arms by the general,[21] while the rest of the department was left defenseless. Of financial matters, the governor had been able to learn but little, but was sure that most of the revenues had been wasted.[22]

On the same 15th of April, Castro's report of March 17th on the troubles with Fremont, and his announcement that he intended to defend the territory, acting on his own authority and in virtue of instructions from Mexico,[23] in case the gov-

[20] This subject will be fully treated in its place.

[21] What sort of soldiers the Castro hordes were, may be gathered from letters of Rafael Sánchez, Micheltorena's former secretary and customhouse officer in 1844, to Governor Pico. "We are without a single soldier" (at Monterey), "although the salary for them is taken from the treasury; but for want of them we have officers who are more vicious than were those of the expelled expedition. . . . Castro and Alvarado should be accused before the Supreme Government for the disorders they cause." He also complains that obscene pasquinades are circulated against the Mexicans. Sánchez to Pico, January 24th, 1846. "The officers named by Castro are drunkards." Sánchez to Pico, February 27th, 1846. On March 2nd, 1846, he again blames Castro for the disorders at Monterey. "Cal. Arch.," Dep. St. Pap. vii, 366-370; 390-393; 384-385.

[22] Olvéra, "Documentos," 13-19, Agustin Olvéra was the secretary of the assembly, and from April 17th also a member. "Documentos," 20-21.

[23] See preceding chapter. Minister of War, José M. Tórnel, March 10th, 1846, directly addressing Castro, as his predecessor had done, writes: "The preparations which the United States are

ernor would not come to Monterey. Castro also reported J. A. Carrillo's [24] return from exile, and requested Pico not to prosecute him further, as his services were needed. "These communications produced a commotion. The danger of an invasion was lost sight of in view of the fact that Castro had dared to issue a proclamation to the people. The defense of the country was unimportant in comparison with the thought of undertaking that defense without consulting, or rather without awaiting the cooperation of, the political chief. Juan Bandini made a speech, denouncing Castro's abuse of his powers, and called upon Pico to 'reply to him with decorum, and at the same time with that firmness and energy which a proceeding so scandalous demanded.' And Pico did write what was in reality an absurd exhibition of petty suspicion and weakness." [25]

The southern politicians, guided by Pico and Bandini, now resolved to have a junta of their own to counterbalance the junta of Castro at Monterey. Bandini, as early as March 2nd, had suggested "a *consejo general de pueblos unidos de la Alta California*"—a convention of all the towns in Upper California. This plan was adopted on May 13th, and on the same day it was published in a proclamation by Pico. The

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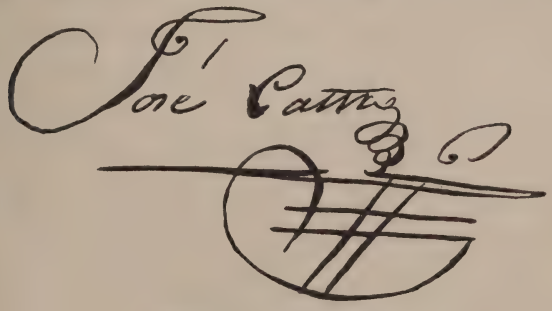
making, and the approaching our ports of its naval forces, leave no doubt that war with that power is about to break out. The Acting-President is determined to maintain the rights of the Nation. . . . While therefore the Supreme Government furnishes Your Honor with the assistance expedient, it hopes from your patriotism and loyalty that you will dictate the measures which you judge opportune for the defense of that department, for which object Your Honor and the governor are amply authorized. I have the honor to communicate this to Your Honor for your information, hoping that on your part you will spare no means to preserve intact the rights of the mother country." Hayes, "Mission Book 3," no. 364. Bancroft Collection. Circular of Tórnel that he is appointed Minister of War, February 20th, 1846, in "Escrituras Sueltas."

[24] who had been accused of heading a revolt at Santa Barbara against Pico, November 29th, 1845. Bancroft, iv, 540-541; Hittell, ii, 392-393.

[25] Bancroft, v, 39-40; Pico, "Bando," May 13th, 1846. "Cal. Arch.," Dep. St. Pap. vii, 60-71.

decree provided that a consejo general composed of eighteen delegates to be elected on May 30th—four each from Los Angeles, Santa Barbara, and Monterey; two each from San Diego and San José; and one each from Sonoma and San Francisco, together with the six assemblymen and with such ecclesiastical and military representatives, not exceeding five each, as the respective authorities might deem proper to admit—should meet at Santa Barbara June 15th, 1846, under the presidency of the governor, for the purpose of determining all that might be deemed best to avoid the fatal events impending at home and abroad." [26]

Elections were held in the north, but most of the delegates chosen declined to serve. Castro refused to appoint the military delegates, or to have anything to do with the project. Furthermore, from his headquarters at Santa Clara, he sent a long paper to Pico, of the nature of which the beginning will give the reader a good idea. "With amazement," he starts in, "this comandancia-general has seen an abortive call



Signature of José Castro.

which originated in the house of the government of the City of Los Angeles on May 13th last past under the title of Proclamation. Never could the insane hydra of discord emit a more active and destructive fire than the wicked kind in that abominable writing. Are its authors Mexicans? Can such a junta of that nation call itself honorable? And is it the sacred name of country, and of liberty, which is invoked to destroy one and the other? O execrable profanation! O

[26] "Cal. Arch.," Dep. St. Pap. viii, 338-339; Bancroft, v, 45.

unheard-of perfidy! And that *liberty-cidal* and anti-constitutional plan has the sanction of the territorial governor, who swore, placing his right hand on the holy Gospels, and with feigned respect for the Savior of the world, to guard and cause to be guarded our institutions? O perjury! O sacrilege! They rend asunder the bosom of their fatherland under the pretext of remedying evils that embarrass it. They assassinate it under the pretext of saving it," [27] and so on over four folio pages. The reader will see from this that José Castro had dipped into the delirious ebullitions of Mexican and European would-be statesmen of the Latin liberal stripe, and could very well compete with Mariano Vallejo and Juan Bandini for the prize of a bombastic phrasemonger.

The most remarkable part of this "absurdly violent protest," as Bancroft calls it, was its conclusion. "I have notified you over and over again of the risk which the country runs," Castro writes, "and of the necessity of taking steps for its defence; but, with regret that I cannot count on your cooperation for that sacred object, and as the integrity of this part of the republic is exclusively intrusted to me, I shall be absolutely compelled to declare the department in a state of siege, and the martial law in full force—a legal resource employed in such circumstances by all the peoples of the Universe." [28]

"Castro did not condescend to give any definite reasons for his opposition" to the consejo of Pico; "but in reality," Bancroft affirms, "he opposed the consejo mainly because he and his friends could not control it, the south having a majority of the elective delegates, besides the members of the assembly, who were all southerners. Vallejo, in a letter to Pico, based his opposition openly on that ground, declaring the whole scheme a very transparent trick against the north, and pointing out the injustice of giving San Diego two dele-

[27] O perjurio! O sacrilegio; desgarran el seno de su Patria so pretexto de remediar los males que la acosan! La asesinan so pretexto de salvarla!"

[28] José Castro, "Protesto," June 8th, 1846. "Cal. Arch.," Dep. St. Pap. vii, 79-82; Hittell, ii, 401-402; 406-408; Bancroft, v, 52.

gates, while San Rafael, Sonoma, and New Helvetia combined were to have but one." [29]

In their extremity, Pico and his legislators bethought themselves of the assistance of the missionaries and priests who might be enlisted to promote the selfish schemes of the southern politicians. Fr. Durán was accordingly invited to name delegates as representatives of the clergy. Fr. González Rúbio in the name of the Fr. Comisario-Prefecto under date of May 24th, 1846, replied:

"By Your Excellency's note of May 20th, I am informed that, in accordance with article six of the decree of the Most Excellent Assembly of the 13th instant, Your Excellency invites us to name five individuals from the clergy who, comformably to the aforesaid decree, may have seats in the junta of citizens, who through their representatives shall meet in this town of Santa Barbara on the 15th of the coming June. To all this, in accord with the Very Rev. Fr. Narciso Durán (now grievously ill abed), I have the honor to reply to Your Excellency as follows: Although the public welfare is so grave and urgent that it has moved the Most Excellent Territorial Assembly to invite the clergy to name some individuals from its ranks to represent it, in order that, in the junta which has been convoked, they may express their judgment on the subjects to be discussed, yet, inasmuch as the clergy, regarded as a whole, is solely charged with the conservation of Religion, Divine Worship, the decorum of the Sanctuary, and the spiritual good and welfare of the people, and not with political interests, it seems that they ought not take any active part in the public deliberations however extraordinary they may be. Be that as it may, we respectfully appreciate the honor bestowed upon us in this matter, and we give to Your Government due thanks, and such high confidence will always be for us an object of gratitude. At the same time,

[29] Bancroft, v, 46. Castro in a letter of May 11th, 1846, had urged Pico to join him at Monterey and assist in defending the country. "Cal. Arch.," Dep. St. Pap. vii, 221-223. Vallejo frightened Castro somewhat more by writing from Sonoma, May 25th, that 2000 American families were said to be coming. "Cal. Arch.," Dep. St. Pap. vii, 228.

we deeply regret not being able to enjoy it; for the number of priests upon whom we can count is so small that it does not suffice to comply with even the most necessary duties of the ministry everywhere; and as we cannot abandon for so many days the flock entrusted to us without spiritual damage to the people, nor without prejudice to our sacred obligations, therefore,[30] I, in my name, and in the name of the whole clergy of the diocese, beseech Your Excellency to be pleased to hold us excused, only permitting us to remain within our churches, where, without doubt, we shall be more useful to our country, by raising our hands and our supplications to Heaven for the welfare and prosperity of this California, than by abandoning duties for the sake of taking part in contentions on political subjects in which we are not versed, and which are scarcely in keeping with the religious profession [31] to which we, the majority of the priests in the territory, are pledged. I hope, then, from your goodness, that Your Excellency will be pleased to accept our well-grounded excuse, as well as the sincere assurance of our distinguished appreciation and respectful consideration. God keep Your Excellency many years. Santa Barbara, May 24th, 1846.—Fr. José Maria de Jesus González Rúbio." [32]

The result was that, whatever may have been the object of Pico and his partisans in calling it, the *consejo* or convention never met. Possibly, observing that a quorum of twelve members would not be obtainable, the assembly judged it wise to abandon the project, and therefore, on June 3rd, suspended the decree of May 13th,[33] but only to adopt more aggressive

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[30] Bishop García Diego had passed away three weeks previously.

[31] "Se sirva el tenernos por escusados, permitiendonos solamente el estár dentro de nuestros templos, en los cuales sin duda seremos mas utiles á la Patria, elevando nuestras manos y nuestros votos al cielo por el bien y prosperidad de esta California, que abandonando deberes para ir á tomar parte en la disension de asuntos politicos, en que ni estamos versados, ni son tan congruentes á la profesion religiosa," etc.

[32] "Archb. Arch.," no. 2331.

[33] Pico, "Bando," June 3rd, 1846, suspending the "Consejo General." "Cal. Arch.," Dep. St. Pap. vii, 76-78.

measures. Disregarding Castro's frantic reports of a threatened invasion, and pretending that the comandante-general was merely bent on deposing Pico, the Los Angeles assembly resolved that the governor should raise a military force, not to resist Fremont's or any other's invasion, but to forcibly remove Castro from his command. On June 16th, therefore, Pico left his capital in charge of the town council, and, three days later, appeared at San Buenaventura with eighty men, expecting to be joined by thirty more at Santa Barbara, where he arrived about the 20th of June. Los Angeles, warned by Pico from Santa Barbara, under date of June 21st, actually fortified itself against an attack from Castro, who was expected to reach the city by another route than the usual one along the coast.[34]

Juan Bandini, despite his illness, came to Los Angeles from San Diego to join in the current denunciations of Castro, as "a man who, under pretence of saving California, seeks to tyrannically subdue and trample on her." He also formulated an address to the people to be used in defense of the action deposing the comandante-general, in case he should fall into their hands. The document was never published, Bancroft thinks, probably because the assembly never had a chance to execute its resolution, but "it was a long, fierce, and declamatory denunciation of all that the general had done. It was filled with the most bitter abuse of Castro in respect not only of his public acts, but of his private character. The conclusion reached was that the assembly could no longer recognize the authority of so vicious and ignorant and incapable and tyrannical a monster, trusting that all patriotic citizens would approve that determination. The violence of this effusion was as absurd as that of Castro's protest against the consejo—which is saying a good deal." [35]

Although there was no cause for "the ridiculous ravings of Pico and Bandini, yet these gentlemen believed that Castro was devoting his whole attention, with the aid of Alvarado

[34] "Cal. Arch.," Dep. St. Pap. vii, 86-91; 92-95; 104-106; viii, 383-384; Dep. St. Pap., Angeles xi, 894-895; 898-901; Bancroft, v, 47-50; Hittell, ii, 411-412.

[35] Bancroft, v, 51.

and others, to plots against the civil government, regarding his preparations against foreign aggression as a mere pretense. It is difficult to determine what were Castro's plans at this time. He was not a man in whose favor much could be said at any stage of his career, or in whose good faith much reliance could be placed. If in the latest phase of the controversy he showed to better advantage than his rival, it was due more to circumstances and to Pico's folly than to any merit of his own. It is certain that he hated Pico, and would not have scrupled to use force against him. Had Pico come north in response to his invitation, Castro would probably have arrested and deposed, if he could not control him." [36]

"The fact seems to have been," says Hittel, the other chief defender of these same Californians when they raved against the missionaries, "that they were all blinded by the bitter sectional feeling that had long existed between the so-called Monterey faction on the one side and the Los Angeles faction on the other. Mutual passions and mutual interests had bound the respective parties together. Castro at this time represented the one; Pico, the other. In their altercations, hardly any charge was too atrocious to be made by one against the other. When, therefore, Castro held his junta at Monterey, the abuse of Pico was almost unlimited, and all the Monterey people joined in it; so when the Los Angeles junta came to act, the Los Angeles people retaliated against Castro with similar unanimity and only greater abuse." [37]

From all that has been said, it is clear that California was beginning to experience the same reign of disorder which distracted the mother country Mexico from the very first year of her independence, and for the same reasons. In California, as well as in Mexico, the root of the evil lay in the utter lack of patriotism for want of solid, practical Religion. Pico, Castro, Vallejo, Alvarado, Bandini, and the other paisano chiefs, indeed claimed to be Catholics, but they were such only in name. Had they been faithful Catholics, they would have kept their hands off the Indian missions. It was a smat-

[36] Bancroft, v, 52.

[37] Hittell, ii, 412-413.

tering of French infidel philosophy or Voltairianism that controlled their actions as well as their speech. Unchecked by Religion, with them the place of patriotism was usurped by heartless selfishness. Each would-be statesman aimed to be on top, or, at least, to profit by those who had reached the top. It was to this selfishness that the Indian missions had been sacrificed. In consequence of it, the peace and welfare of the territory itself was now jeopardized so that it became easy for a foreign power to take possession. Indeed, not till the United States flag had been hoisted at Monterey, and the country became the property of the Americans, was peace and the security of life and property assured. The pity only is that the American flag was not raised fifteen years earlier. In that case the Indian missions would have been saved; for, with the arrival of the United States troops and the introduction of American laws, the property rights of Religion and of the Indians were recognized.

In order that the reader may the better comprehend the situation at this stage, we shall allow Bancroft to close this chapter with his summary, before we return to witness the deathbed scene, so to speak, of the once glorious Indian missions. "From a careful study of the correspondence and other evidence," says the historian, "I reach the following conclusions respecting the condition of California affairs in the early weeks of June 1846: All classes of inhabitants realized that a political change was imminent. There was little hope that Mexico would or could afford protection or relief by sending money and an army; nor was it expected that without such aid the country could much longer maintain its status as a Mexican dependency. The anticipated change must naturally be either a declaration of absolute independence, or annexation in some form to a foreign power. The United States or England might get the country either by conquest, purchase from Mexico, or voluntary action of the Californians. There were prominent men among the natives disposed to favor each of the schemes proposed, though not yet openly or actively; while their parties were not clearly defined, the masses being for the most part apathetic and indifferent. Notwithstanding the strong prejudice

against Mexico, affinities of race, language, religion, and association were still potent in favor of loyalty; yet, on the other hand, many were beginning to speculate on the prospective increase in the value of their lands under a new régime. With personal interests in conflict with the old prejudices, the ultimate issue was wellnigh certain. The chief authorities, political and military, while protesting their loyalty to Mexico and their determination to resist foreign invasion, were, in reality, lukewarm in this respect, being thoroughly in earnest only in their opposition to each other. In their minds, the controversy between Pico and Castro outweighed all questions of national allegiance, and was second only to personal and ambitious interests. Any foreign nation taking a decided stand could have obtained the cooperation of either Don Pico or Don José, if not of both." [38]

[38] Bancroft, v, 73. It will be observed that Bancroft, as well as Hittell, on general principles, was hostile to the missionaries, and correspondingly friendly to the paisano chiefs. That renders the judgment of both all the more significant.

## CHAPTER XVIII.

Pico not Contented.—His Address before the Assembly, March 2nd, 1846.—Bandini's Address.—His Plan.—The Mission Committee's Report Thereon.—Bandini's Plan Adopted Nevertheless.—The Mexican Government Forbids the Sale of Missions.—Who Were the Culprits?—Bancroft's Statement.—Pico Determined.—His Motives.—José Castro Follows Pico's Example.—Indian Rights Disregarded by Both.—Missions Sold and Prices Paid.—Pico Triumphs.—The Missions Wiped out at Last.—Specimen of Deeds Conveying Indian Missions.

HAVING definitely removed the missionaries from their charge, and transferred the mission property to lessees,[1] who were to pay one-third of the rent to the governor for the canceling of mission debts, one should think that Pio Pico would have at last rested content. At all events, we should suppose that he would have allowed the new arrangement to operate for a season, for one quarter, at least, before adopting other measures concerning said property. He had asserted that his object was to save the missions from total destruction; that he wanted to provide for the Indians, the real owners, who could not with profit to themselves cultivate the land or manage the live-stock; that he desired to render the lot of the venerable missionaries less burdensome; and that he was anxious to preserve Divine Worship in the ancient churches and chapels!

Let us see how his official acts correspond with his official words. In his address on opening the sessions of his legislative assembly, which was composed of Figueroa, De la Guerra, Botello, Bandini, and Argüello, March 2nd, 1846, Pico informed the members that, though he had, in conformity with the authorization of the assembly, drawn up the most prudent regulations he could for the missions, he was confronted with insuperable difficulties, for which reason he had been able to lease only the missions of San Fernando,

[1] save in the cases of San Luis Obispo, San Juan Capistrano, and La Purisima, which had been sold outright.

San Buenaventura, Santa Barbara, and Santa Inés. The rest, among which were San Gabriel, San Luis Rey,[2] and San Diego, had increased their debts to such an amount that it was not possible to lease them and pay the creditors who were justly clamoring for what was due them. "It is true," he continued, "that one-third of the rental has been set aside for paying debts, but since the condition of the missions is deplorable, one plain consequence is that their rental would be so small that it could never suffice for all the objects for which those revenues have been destined.[3] For this reason, it appears to me more rational to suspend the action taken with regard to the others until the assembly, having examined and considered the obstacles, shall dictate a definite measure which, while it prevents the total ruin to which they are steadily proceeding, may show whether or not they may again become productive and augment the public wealth." [4]

Juan Bandini was soon ready with a plan which he introduced on March 23rd, and which expressed the governor's ideas so exactly that we wonder whether it was Pico who prompted Bandini or Bandini who governed the governor, as some believe. Confessing that at another period the missions were distinguished for a splendor which was quite visible,[5] Bandini went on to say that, "if it was painful to see the

[2] until this same Pico began to "administer" it, the richest of the missions. After nine years of "administering" he is obliged to make such a confession.

[3] "Como la situacion de estas misiones es deplorable." He should have exclaimed, "Mea Culpa!" and promised to make reparation; but he was not guided by justice or conscience in dealing with the missions. "El objeto principal, que me guiaba en mis providencias respecto á aquellos establecimientos, era hacer que desapareciese por completo el regimen de las misiones." A page further on Pico writes: "Yo estaba determinado á acabar con el sistema de misiones á todo trance." "Narracion Historica," 132-134. This frank confession renders it easy to gauge the character of the men who despoiled the missions, and leaves no doubt as to the authors of the spoliation.

[4] Olvéra, "Documentos," 13-19. Bancroft Collection.

[5] "Estas misiones (que) en otro tiempo manifestaron un esplendor muy visueño." See note 19, chapter xiv, this section.

labors of many hands employed for more than seventy years rendered absolutely useless, it will be a shame to behold with a serene countenance the destruction of a great part, say we rather, of the mother of the territorial wealth.[6] . . . I will not deny that the mission system may have been the means of a gentle conquest, full of piety, and devoid of the noise of deadly arms.[7] Nor will I conceal that, according to my mode of thinking, in the Californias it was the foundation of the prosperity[8] to which the Author of nature[9] invites us."

Nevertheless, Bandini continued, it was now necessary to devise other means than leasing in order to save the remnant mission property from entire ruin and to pay the debts. For that purpose he proposed the following articles to the consideration of the assembly:

"Article 1. The government is authorized to carry into effect the object of the decree of May 28th of last year,[10] published by this Hon. Assembly, respecting missions; to which end, seeing the impractibility of leasing provided for in article 3 of said decree, the departmental government will act in the manner it may believe most expedient for avoiding

[6] "Si bien era sensible ver inutilizarse absolutamente los trabajos de muchos brazos invertidos por mas de setenta años, será vergonzoso ver con frente serena la pérdida de una gran parte, ó mas bien digamos, la madre de la riqueza territorial."

[7] "No negaré que el sistema de misiones fuese los medios de una conquista suave, llena de piedad y fuera del estrepito de las armas." Readers who may happen to meet with some of the wild mouthings of this fierce enemy of the friars, will do well to recall what he stated here in public session.

[8] "Tampoco ocultaré, en mi módo de pensar, que en Californias fue el cimiento de la prosperidad." Yet this same ex-vice-president of the colonization swindle (see volume iii, section ii, chapter xii) was one of earliest and bitterest foes of the "foundation of California prosperity."

[9] "Autor de la naturaleza!" Like apt pupils of French infidelity Bandini shies at giving his Creator the one incommunicable title GOD! It reminds too strongly of being held to account some day. See pp. 362-363, volume iii.

[10] See pp. 373-375, this volume.

the total ruin of the missions of San Gabriel, San Luis Rey, San Diego and the rest that may be found in like circumstances.

"Art. 2. As most of the said establishments have large debts against them, if their property should not suffice to cover the acknowledged liabilities, attention shall be had to what the laws dispose respecting bankruptcies, and steps shall be taken in conformity with them.

"Art. 3. Should the government, thus authorized, find that, to prevent the total destruction to which the said missions are going, it will be necessary to sell them to individuals, this shall be done at public auction, after the customary notices have preceded.[11]

"Art. 4. In the case of a sale, if, after the debts have been paid, a surplus should remain, this shall be apportioned to the Indians of the community of the land sold, the government availing itself of the method which may be most compatible with a just distribution.

"Art. 5. In every case, care must be taken to secure what is necessary for the subsistence of the missionary Fathers and for the expenses of maintaining Divine Worship.[12] The government may destine a part of the whole property, whether it consists of fields, landed or other property, according to the judgment of the government, in order to secure both objects,

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[11] What would Fr. Serra have said at the bare mention of selling an Indian mission at public auction for bankruptcy! but to those who had imbibed French infidel notions there was nothing sacred. In Mexico, France, Italy, and other countries controlled by de-Christianized, would-be statesmen, the very houses of God have been confiscated, sold, and put to unworthy uses. Fr. Serra would have exclaimed, "Horrible sacrilege!"

[12] "Culto Divino." The term, for once, is actually employed! We hasten to give Bandini credit; but this does not suit Bancroft. He translates "public worship." He, too, shies at the "Divine." Hence his hostility to Catholic missionaries, the messengers of God's Gospel. To him and Hittell they are but emissaries of a huge "machine"! but how could such a human "machine" ever instil the spirit of self-sacrifice and absolute unselfishness which distinguished the friars?

after having heard and respected the wishes of the respective religious.

"Art. 6. The property which may be set apart in conformity with the preceding article shall be turned over as a sale at a perpetual interest of four per cent. The proceeds shall be applied for the objects mentioned in the same article 5.

"Art. 7. What has been done until now in accordance with the decree of the said May 28th of this Hon. Assembly, shall remain in full force; and these presents shall in no manner nullify the contracts made and the measures taken by the government in accordance with the said decree of May 1845; nor shall they in future impede what may be done in conformity with it.

"Art. 8. The government will remove the obstacles for which no provisions have been made in this decree; and it will, at most within six months which the execution may require, give an account to this Hon. Assembly of the result of its fulfillment." [13]

Bandini's plan was referred to a committee consisting of Francisco Figueróa and Santiágo Argüello. Five days later this committee reported as follows: "The Committee on Missions has with the greatest care examined the project presented by Señor Bandini relative to this branch, and it agrees with the gentleman regarding the motives which inspired such a project no less than with regard to the justice that must be upheld to avoid the total ruin of those establishments; but it does not agree to the sale of them before the government has tried other ways to cover the debts and carry into effect the decreed leasing.

"Certain it is, that the missions are daily proceeding to their destruction; but it has not been their owners who have contributed thereto; therefore it is very painful to see the innocent suffer for the fault of others.[14] This is the result of

[13] "Cal. Arch.," Dep. St. Pap. viii, 331-336; Dep. St. Pap., Angeles x, 284-285; "Halleck's Report," Appendix 22, pp. 166-167; Bancroft, v. 559-560; Hayes, "Mission Book," i, 364.

[14] "pero no han sido sus dueños los que han contribuido para

selling the missions for being considered bankrupt. In such cases one must proceed in conformity with the laws; but who is the man cruel enough to cast out of his house an old decrepit man, a sick man, a man prevented from paying with it a debt which he himself has not contracted?[15]

"On the other hand, the committee was about as certain that, the missions once sold, the ecclesiastical ministers will be without any resources whatever, and in the mind of the committee there are no means of which the government could avail itself to assure them of subsistence, unless it be that it lay hands on the vineyards, the only thing from which a revenue might be extracted in the missions under discussion; for the lands which they now have under cultivation are so limited that all together of each mission will not produce an annual revenue which would be sufficient for the indispensable expenses of Divine Worship, including the subsistence of the priest.

"For the said reasons, and, above all, because the committee lacks the necessary detailed local informations, and also because it would be contrary to the decree issued by the Hon. Assembly on May 28th of the year last past, the committee asks that the project of Sr. Bandini be discussed word for word as composed. The chairman of said committee[16] protests that he cannot give his vote in favor because it is not conformable to his mode of thinking to assert without flattery that the ideas presented by Señor Bandini may be the most perfect.—Los Angeles, March 28th, 1846. Francisco

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éllo; y es muy sensible ver al inocente pagar culpas agenas." Figueroa was growing bold. He should have spoken out a year before. Perhaps his conscience pricked him at sight of the havoc which he had aided by his silence.

[15] "Quien es aquel hombre tan cruel que echa fuera de su casa á un viejo decrepito, á un enfermo, á un impedido por pagarse con ella una deuda que el mismo no ha contraido?" The two chief culprits, Pico and Bandini, scarcely blessed the bold speaker. His was the only voice ever raised in the paisano councils against the crying injustice to the Indians, let alone the missionaries. It came much too late; besides Figueroa soon changed.

[16] Francisco Figueroa, who also presided at the sessions in Pico's absence.

Figueroa." [17] Santiágo Argüello, the other member of the committee, dissented from the opinion expressed in the second paragraph, and therefore in his own hand subjoined this remark: "Since I do not agree with the second paragraph of the explanatory part, I submit my views to discussion separately. S. Argüello." [18] What his opinion was has not been found recorded.

The report of the committee was read in the session of March 30th, 1846. The rules were then suspended, and Bandini's plan, as presented, was adopted on the same day without a dissenting vote, it seems.[19] If any discussion took place the report of it has not come down to us. The resolution was signed by the presiding member and the secretary on April 3rd, and, on the 4th of April, Pico published it in a proclamation.[20]

"Before anything had been done to carry this decree into effect," says Bancroft, "there arrived from Mexico, dated November 14th, (1845) and submitted to the assembly on April 15th, an order of the national government suspending all proceedings for the sale of mission property. This, without recorded comments, was referred on May 13th to the committee on missions, and *nothing more is heard of it for several years*.[21] In original archive records of later months

[17] "Cal. Arch.," Dep. St. Pap. viii, 328-330.

[18] "No conviniendome con el segundo parrafo de la parte expositiva, sujeto mi voto particular á la discusion.—S. Argüello." Ibidem.

[19] "Se le dió Lectura al Dictamen de la Comision de Misiones relativo al proyecto del Decreto presentado por el Diputado Bandini, y con dispensa de tramites se aprobó como sigue." "Cal. Arch." Leg. Rev. iv, 659-662.

[20] For references see note 13; compare note 30, this chapter.

[21] Italics are ours. Pico and Bandini were determined. The suspicion is, therefore, well founded that both hurried their decree through the Legislature before they made known the Montesdeóca order. It is probable that the order arrived before March 23rd, when Bandini offered his project for the sale of the missions. Had the assembly been aware of the Montesdeóca order, it is possible that a majority might have refused to do Pico's bidding. So they were not told until two weeks after the passage of the reso-

of 1846, there is found but little [22] to indicate that the Montesdeóca order was obeyed, at least to the extent of suspending the sales." [23]

The order from the Supreme Government suspending the sales of missions, is another proof that, if Pio Pico and Figueroa twelve years before, had for their schemes always awaited the approval of the Mexican Government, as they should have done in justice and according to law, on which latter Pico ever harped when it suited him, the missions would never have been destroyed, and the neophytes would never have been deprived of their lands. The infamy of the injustice and cruelty to the Indians, and the disgrace of having brought about the ruin and disappearance of their property, therefore, rest entirely upon the Picos, Bandinis, Alvarados, Vallejos and other *hijos del pais;* for just as Figueroa and Alvarado had paid no attention to the will of the Supreme Government on the subject, so Pico and his assembly disregarded the clear prohibition of the Mexican President.

Instead of obeying, Pico, on May 13th, 1846, the same day on which the subservient legislators referred the Montesdeóca order to the Committee on Missions for non-action, called upon all the creditors of the missions to present their claims and proofs; [24] and "in later years," (again allowing Bancroft to relate the sordid operations of his former clients) "there were produced title deeds signed by Pico, showing the sale at different dates between May 4th, and July 4th of twelve missions. These titles vary considerably in form. *In none is there any allusion to a sale by auction,* and it has never been claimed that the sale was of *that character as required by the decree.* The consideration, even where a definite sum is named, was in most cases an amount already due from the

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lution. For the Montesdeóca order, see page 455, this section. Demétrio Montesdeóca had become Minister of Justice on October 20th, 1845. Bancroft, "History of Mexico," v. 290.

[22] "nothing," Bancroft should have said.

[23] Bancroft, v, 560-561.

[24] Bancroft, v, 561.

government for past advances,[25] and, in the other cases, there is no evidence respecting the payment or use made of the money. Most of the titles require the purchaser to pay the mission debts, and to provide for the padre's support and the expenses of public worship, also reserving from the sale the church and priest's residence. Some of them make provision for remnants of the community Indians. Nearly all refer to a general authorization from the Supreme Government, *without naming any definite order or date,* or alluding in any way to the Montesdeóca order.

"In later years a Mexican order of March 10th,[26] declaring the governor and general 'facultados ampliamente' to defend the country, was produced as legalizing the sales. I regard the document in itself as sufficient,[27] although the courts did not take this view of it. But the date of receiving this order is not known; it is improbable that it arrived before May 4th, when the sales began, or before the middle of June, when most of them had been effected; had it been in his possession, Pico would almost certainly have cited it; and during the period between the reception of the Montesdeóca order on April 15th and the unknown date when the Tórnel

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[25] This would seem to indicate that it was not the missions, but Pico who was being pressed by creditors, and that he had borrowed money expecting to return it from the proceeds of the mission sales! We have all along wondered who the mission creditors might be? to what amount and when they had advanced money or merchandise for the Indians or the missions? Pico being the debtor explains why he everlastingly talked of "clamoring creditors" of the missions, whereas under Micheltorena they kept absolutely silent!

[26] See Tórnel letter in note 23, pp. 485-486. Italics are ours.

[27] "The 'ample powers,' it seems to me," Bancroft says, "must have included the power to raise funds by selling the only national property in the province." Bancroft assumes that the missions were national property, whereas they were Indian property and to be treated like any other private property, as Governor Micheltorena authoritatively declared in keeping with the mind of the Mexican Government. It is for that reason the United States Courts declared illegal the sales of Mission lands.

order came to hand the governor had no right to sell the mission estates.[28]

"In the case of several missions," Bancroft continues, *"it was proved clearly enough that the titles and corroborative papers in private hands had been written after Pico's return to California in 1848, or at least after the raising of the United States flag in July 1846, and fraudulently antedated.* That the same was true of others is strongly indicated by various circumstances:[29] notably, the absence of original archive evidence, the error in the date of the assembly's decree,[30] with other irregularities in the documents,[31] the mystery enshrouding the alleged payment of large sums of money, the delay of purchasers in making known their claims, and the failure to call certain witnesses in the resulting litigation."[32]

In an earlier chapter, Bancroft, after vainly trying to excuse some of Pico's transactions, writes: "The sales of the missions were effected in pursuance of a policy formed in earlier years,[33] with the approval of the assembly. The price was as large as could be obtained, and I find no reason to doubt that the proceeds were patriotically squandered in support of the government,[34] and preparations against Castro. *It would be well for his reputation could we stop here;* but there

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[28] As subordinate official, Pico had no right to sell the missions at any time without the approval of the Supreme Government, which plainly would not grant such approval, as the unfaithful governor well knew.

[29] The matter will be examined later. Italics are ours.

[30] "A noticeable peculiarity is that the date of this act" (see p. 311, this volume) "is generally given as April 13th, instead of 3rd (**trece** for **tres**)." Bancroft, v, 562, note 10.

[31] "The Mexican treaty commissioners in 1848 assured the United States representatives that there had been no land grants since May 13, 1846." Bancroft, v, 563, note 14.

[32] Bancroft, v, 561-563. Court decisions will follow later.

[33] by Pico, Alvarado, and other oft-named confederates as far back as the time of Echeandía.

[34] Pico's, of course. The Mexican Government would have nothing to do with the sordid transactions.

is no room to doubt that some of the titles were written by the governor just before his departure, or even after his return, and fraudulently antedated. *Comment is unnecessary.*"[35]

Notwithstanding the prohibition of the Mexican Government, Pio Pico resolved to proceed with the sale of the Indian mission property. Three motives, apparently, impelled him to act without delay. He "was determined to do away with the mission system at all hazards," despite even Bandini's admission that it was the mother of territorial wealth. Next, he must silence the creditors clamoring for the money, which, in some cases at least, they seem to have loaned to him rather than to the missions, some of which had not received a dollar. Thirdly, he must crush the hated rival, General José Castro, who was acting independently of the Los Angeles governor, and was using the custom-house revenues at Monterey against Pico, as the latter presumed. For all these purposes the income of one-third of the rent from the missions was insignificant indeed.

Pico could not venture to levy on the citizens and settlers of the south, because they had been so accustomed to see the mission Indians bear all the burdens of the civil and military government that a revolt might have ensued. The citizens and colonists of the north were out of reach; for Castro ruled there. The latter was likewise in straits for funds which

[35] Bancroft, v, 277. Italics are ours. Whether remorse ever entered the heart of Pico, for one, at sight of the ruin brought upon the natives and their mission homes, is doubtful. We have been told that Pico, to the very last day of his life, asserted he had done right. If sincere in this claim, then he must have had most obtuse moral perceptions, or he must have smothered the voice of conscience so effectually as not even to notice its calls. He certainly had not acted in pursuance of the teachings of the catechism which he boasted having known from cover to cover when a boy. The student who searches for causes and effects, must bear this in mind steadfastly: Pico and his confederates, though claiming to be Catholics, in their lives, especially in dealing with the Indian missions, followed out the principles of French infidelity which they had imbibed by reading anti-Christian books and papers, and from associating with disciples of Voltaire. In the Appendix the confessions of at least two leaders will substantiate this statement, though their whole conduct alone gave abundant proof.

neither he dared exact from his countrymen or immigrants. So, like Pico, he cast his eyes on the remnants of Indian mission property. Thus, on July 2nd, 1846, Castro addressed the departmental treasurer, José Ábrego, as follows: "This comandancia-general, being absolutely without money resources for the expenses of war and for some support of the troops collected for that purpose, finds itself compelled to turn to Your Honor to the end that you, taking into consideration these powerful reasons, you be pleased to solicit a loan from the wealthy merchants and citizens of the port of Monterey to as high an amount as possible. For the repayment of it you will give as security all the revenues of the department, or, the lands of San Juan Bautista having already been mortgaged,[36] the lands of this Mission Santa Clara and of Mission San José, with the understanding that in virtue of this note Your Honor is sufficiently authorized to give the bond which may be necessary in making the contract." [37]

Nothing came of this scheme for the good reason that five days later the United States flag introduced respect for ownership of propery devoted to Religion and to the civilization of Indians, something the disciples of French infidelity the world over, then as now, failed to recognize. Castro as well as Pico was of that school. That the mission Indians possessed any right to the land they inherited from their forefathers, confirmed to them by Spanish and Mexican laws, cultivated under the guidance of unsalaried missionaries, and jealously defended by the same watchful and unselfish friars, did not enter into the calculations of either unscrupulous chief, although both should, as the Mexican Government intended they should, have safeguarded the rights of the nation's helpless wards at all hazards. Both wanted funds, however, and therefore the property of the defenseless Indian neophytes must be sacrificed. Hence it was that Castro gave his unwarrantable order to mortgage Indian missions for his

[36] "ya hipotecado las fincas de San Juan Bautista." This was Castro's own home and share. Yet we shall find that Pico had sold this same mission on May 4th!

[37] "Cal. Arch.," Dep. St. Pap. xiii, 236.

benefit, and Pico, in disregard of all the moral and religious principles found in the catechism he had so thoroughly "learned by heart," began selling missions on May 4th, 1846.

Three had already come under the hammer of the auctioneer in the preceding December, as was related in its place. On said date, Pico sold to Ollivier Deleissèques the mission orchard of San Juan Bautista[38] for a debt, the amount of which is not revealed.[39] Next day, May 5th, he sold the estates of Mission San José[40] to Andrés Pico and Juan B. Alvarado for $12,000.[41] On May 18th, Pico, in the same way, did away with the famous establishment which he himself had brought to the verge of bankruptcy, Mission San Luis Rey, to Antonio José Cot and José A. Pico for only $2437.[42] Poor Mission Soledád was sold on June 4th to Feliciano Soberánes for $800.[43] June 8th witnessed the sale by Pico's order of Mission San Rafael to Antonio Suñol and Antonio M. Pico for $8000.[44] On the same date Mission San Buenaventura was delivered to José Arnaz for the sum of $12,000 due him.[45] Likewise Mission San Diego was deeded to Santiago Argüello for past services to the territorial government.[46] On the same June 8th, Mission San Gabriel was delivered to

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[38] See note 39.

[39] "Hartman's Brief," 102-106, according to Bancroft.

[40] The same which Castro intended to mortgage.

[41] "Hartman's Brief," 107-110.

[42] "Hartman's Brief," 83-85.

[43] "Cal. Arch.," St. Pap., Missions xi, 955; "Hartman's Brief," 110-113.

[44] "Hartman's Brief," 113-116.

[45] On May 22nd, 1845, Fr. Antonio Jimeno reported (see page 335, this volume) that when he received charge the debts amounted to $2515. He added none, and seems to have paid them off. At all events, how could the debt increase to $12,000 in one year unknown to Fr. Antonio Jimeno? The mission did not need to borrow money. It was thriving, as we shall see in the local history. Who then received the money? The creditors were not after this mission, evidently, but after Pico.

[46] "Hartman's Brief," 80-83; "Unbound Documents," 390. Bancroft Collection.

Hugo P. Reid and William Workman for debts, the amount of which is not stated.[47] June 10th saw Mission Santa Barbara sold to Richard S. Den for $7500.[48] Five days later, June 15th, Mission Santa Inéz was sold to José M. Covarrúbias and Joaquín Carrillo for $7000.[49] San Fernando, on June 17th, through sale came into the hands of Eugénio Célis for $14,000.[50] June 30th, by Pico's order, the orchard of Mission Santa Clara was sold to Juan Castanéda, Luis Arénas and Benito Díaz for $1200.[51] Finally, July 4th, 1846, Pico sold Mission San Miguel to Petronillo Ríos and William Reid at an unknown price.[52] Respecting the disposition of San Carlos, Santa Cruz, San Antonio, San Francisco,[53] and San Francisco Solano, at which latter establishment Mariano Vallejo was supreme any way, little or nothing appears on record at this period in consequence of Pico's order for sale. These poor ex-missions had already been bled to death and were out of commission for some time. For that reason, perhaps, they were not put up for sale, as nothing could be realized on them. Details, however, must be relegated to the local history.

Pico thus had, at last, accomplished his heart's desire and the ambition of his confederates, the Bandinis, Alvarados, Vallejos, Castros, etc., since the year 1830, when these over-

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[47] "Hartman's Brief," 85-87.

[48] "Hartman's Brief," 96-99.

[49] "Hartman's Brief," 99-102; "Cal. Arch.," St. Pap. Missions x, 736-737.

[50] "Hartman's Brief," 89-92; "Cal. Arch.," St. Pap., Missions xi, 923-924.

[51] "Hartman's Brief," 116-118; "Hoffman's Opinion," 15.

[52] Bancroft, v, 561; 630. "Puedo asegurar," Pico writes in his "Nar. Hist.," 171-172, Bancroft Collection, "que jamas llegó á mis manos ni siquiera un solo peso procedente de la venta de las misiones." Whether he received a dollar from the sales or not, is not the main question. He gave away the property of the nation's wards. Hence, he was an unfaithful guardian. No amount of quibbling will remove that stigma.

[53] A grant of land, three square leagues, at Mission Dolores was said to have been made by Pico on February 10th, 1846; but the U. S. Supreme Court in 1860 pronounced the deed fraudulent. Hittell, iii, 696; Bancroft, v, 660.

grown boys obtained control of the territory in consequence of the Mexican decree which banished all Spaniards under sixty years of age and forbade those over sixty years to hold office. He had, at last, effectually wiped out the famous schools of civilization, of mechanical arts, of agriculture, and of stockraising, which the zealous Franciscan Fathers, amid indescribable hardships and difficulties, and in the face of almost interminable obstruction, had established for the wild tribes of California in connection with their churches erected for the spread of the Gospel of Christ. However, the Avenging Angel already stood at the very door; but we must not anticipate.

In the deeds or "Escritúras de Venta," certain conditions were laid down for the purchaser's observance. They vary in form, but the essentials are similar, so that it will suffice to reproduce only one, the "Escritúra de Venta" of Mission San Buenaventura. "Having been previously authorized," the document begins, "by the Most Excellent Assembly to alienate the missions for the purpose of paying their debts and preventing their total ruin, as well as for the purpose of securing adequate resources for general defense in case of foreign invasion, which according to recent information is imminent; and remembering that Señor Don José Arnaz has performed considerable services for the government, and has also furnished substantial aid for the better conservation and security of the department under the guarantee of just indemnification when the public treasury should be disembarrassed; and there being no way or means to cover the amount for which this government is justly indebted to him, both for the payment of what he has at various periods furnished to the government, and of what has just now been received, in all $12,000; and reflecting how all that requires attention and consideration urges the use of the authority wherewith I find myself invested by the Supreme Government,[54] and by decree of the Most Excellent Assembly of April 13[55] last, I have concluded to make

[54] Pico had no authority; on the contrary, the Montesdeóca order forbade him to sell the missions.

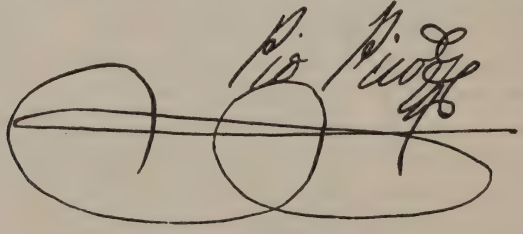
[55] See note 30, this chapter.

actual and effective alienation in perpetuity to the said Don José Arnaz of the Mission of San Buenaventura, in accordance and in conformity with what has been agreed upon, including all the appurtenances recorded and known to be connected therewith, consisting of lands, property, fields and live-stock, in testimony of which and for its validity the following conditions are made:

"1. He shall, at the latest within the space of one year, pay to the creditors of Mission San Buenaventura those accounts which will appear justified.

"2. From now on and forever, he shall furnish, at his own expense, whatever is necessary for the subsistence and clothing of the ministering priest [56] who at any time shall subsist there; and for the continuance of Divine Worship, leaving for the benefit of said Father the apartments which he now occupies for his habitation.

"3. No one will be able to allege enormous damage in consequence of this sale on the part of any one; but the excess, whether of a small or large amount, shall belong to the



Signature of Pio Pico.

purchaser, because it is the just value which the said mission actually has, and there is no one else who would give more for it.

"4. The lands of which mention is made comprise the Laguna Huéneme, Palo Alto, the cultivated fields of Santa Paula, the mission cañon, and all those that have not been

[56] This arrangement placed the priest at the mercy of the purchaser. The administrators had had the same instructions. What it meant and what the consequences were, the reader will find in past chapters.

granted by a just title from the government, and which are recognized as property belonging to the establishment concerning which sale is made, with all the lands, live-stock, implements, and whatever else may pertain thereto.

"In consequence, I declare by these present letters the Señor above mentioned to be the legitimate owner of the said Mission San Buenaventura under the said conditions." [57]

[57] "En consecuencia declaro por las presentes letras ser dueño legitimo de la espresada Mision de San Buenaventura el Señor arriba mencionado en los terminos y bajo las condiciones espresadas." Pio Pico, June 8th, 1846. "Escritúra de Venta de la Mision de San Buenaventura á favor de José Arnaz." "Cal. Arch.," St. Pap., Missions xi, 891-901.

## CHAPTER XIX.

Sentiments of the Missionaries.—Treatment of the Priest at San Luis Obispo.—The Bishop's Remonstrance.—He Appoints Two Vicars-General.—Appointment Announced.—The Priests Signing the Circular.—Death and Funeral of the Bishop.—Pico and Castro Notified.—Sketch of His Life.—His Failures and the Causes.—Fr. González Rúbio Named Administrator.—San Fernando College.—Death of Fr. Durán.—Sketch of His Life.—Testimony of Fr. Rúbio.—Death of Fr. Zalvidéa.—Sketch of His Life.

WHAT may the surviving missionaries have thought and said when they saw buildings and premises, hallowed by the footsteps and toil of saintly predecessors, sold and the ownership definitely pass over to unappreciative seculars? for, next to the neophytes who scarcely realized all it meant, the missionary Fathers were the chief victims. What they thought cannot be known. Nor do the records and archives reveal a solitary word uttered by them on the subject. They were friars, whose watchword was sacrifice and whose only glory was the Cross of Christ. They had never claimed ownership in any part of the missions, albeit they had raised those same buildings and cultivated those same fields together with the neophytes for the benefit of their Indian converts. Moreover, they knew nothing of the Montesdeóca order,[1] and no court of appeals existed. There was nothing for the aged men to do but to submit in silence until the Angel of Death should relieve them. Wistfully, however, they must have observed how strangers were constituted beneficiaries of Indian and missionary labors and hardships. Henceforth, in the very houses they had erected by means of their own labor and earnings

[1] "This was, May 13th, 1846, referred to the committee on missions, and nothing more is heard of it for several years." Bancroft, v, 560. So none of the Fathers, save Fathers Rúbio, Sánchez and the Fathers Jimeno, ten years later, ever became aware of its existence. Pico and his confederates seem to have concealed the document lest knowledge of it interfere with their schemes.

with the assistance of the neophytes, they were to be mere tenants, subject to the moods of the purchasers. It is true, the purchasers of the mission property, in virtue of the deed of purchase, were obliged to provide what was necessary, and allow the priests to stay in the quarters they occupied and needed; but said purchasers had the example of unscrupulous Governor Pico himself when it came to observing or interpreting a disagreeable law or condition. What the friars, then, must have suffered, or would have had to endure if paisano misrule had continued, in consequence of the fact that the roofs over their heads were claimed as the property of seculars, will never be revealed. We may infer the situation, however, from the treatment received by the priest of San Luis Obispo, after that mission property had been sold on December 4th, 1846.

Mission San Luis Obispo had been formally surrendered to the Bishop by Fr. Comisário-Prefecto Narciso Durán, and Bishop Diego had stationed there a secular priest, Rev. Miguél Gómez, late in 1842. The purchasers appear to have tried to derive as much profit from the venture as possible, without regard to the rights of the priest in charge of the church. The Rev. M. Gómez, therefore, complained to the Bishop,[2] who referred the case to Governor Pico on March 12th, 1846, three months after the sale. The letter, the last one we have from the Bishop, was addressed "To His Excellency Pio Pico, Governor ad interim of this Department. By this official letter and the confidential note which accompanies it," the Bishop wrote, "and which I have the honor to enclose to Your Excellency (which after taking notice of the contents I shall esteem it a favor to have returned) Your Government is informed of the molestation which, with deep grief to myself, is inflicted upon the priest at San Luis Obispo by requesting him to surrender the parts of the buildings which he needs, and which for some time he has been occupying.

"It is very painful, Excellent Señor, that, albeit these build-

[2] Rev. M. Gómez to Bishop Diego, March 8th, 1846. "Archb. Arch.," no. 2324.

ings, which have not been erected by the labors of seculars nor for their use, but principally for the missionaries, it is now the determination to deprive said missionaries of what they occupy and need for their use. It is well enough that said structure at San Luis Obispo should be divided according to the objects the government has pointed out; but while executing this disposition it is an honor and a duty of your government not to permit that either hardship or injury be inflicted upon the priests, rather that they be left in peaceful possession of what they actually occupy and assure us is necessary for their ministry. That, in said division, the priest should be the last, and that he even should be despoiled of what he possesses, by calling only that portion the habitation of the priest which interested persons may want to assign him agreeably to their own views and convenience, can that be reasonable and just? Can that be what is ordained in the last regulations of the government? Your Excellency will be able to judge. As I am confident that you will not permit any one to abuse the just decisions of the Supreme Government by inflicting upon the priests the least injury and hardship, I shall thank Your Excellency very much if you would immediately dictate the orders with which your sense of justice and your prudence will inspire you as most expedient for avoiding every complaint of the Rev. M. Gómez and for reconciling his interests with those of the gentlemen who are now about to make themselves masters of the San Luis Obispo estates."[3] What effect this appeal from the deathbed of the Bishop had at San Luis Obispo, we are at present unable to say. Pico promised to investigate, if we may believe Bancroft;[4] but, as José Castro lorded it over the northern district, the governor may have postponed action.

Meanwhile, Bishop García Diego, who had been ailing ever since his return from the dispiriting northern Confirmation tour in 1844, was approaching the end. To provide against contingencies, he, on April 19th, 1846, appointed Fathers Nar-

[3] Bishop Diego to Pico, March 12th, 1846. "Archb. Arch.," no. 2325; "Libro Borrador."

[4] "History of California," v, 638.

ciso Durán and González Rúbio, "each one in particular and both together, his vicar-general" [5] with all and full powers due them as his vicars; likewise, he granted them the faculties to perform and exercise everything requisite for the government of the diocese, even if it should require more special permission. The document was signed by the Bishop and countersigned by Fr. Antonio Jimeno as pro-secretary.[6]

Next day, the two vicars-general jointly announced their appointment in a circular which was to be read at the celebration of holy Mass on the first festival day of obligation after its reception. The priests and the faithful were also exhorted to pray for the prolongation of the suffering prelate's life. Two copies of the circular were sent out, one to the district north of Santa Barbara, the other southward. The latter, in due time, returned to Santa Barbara, and bore, besides the signatures of Fathers Durán and Rúbio, the names of Fr. Antonio Jimeno of Santa Barbara, Fr. Blas Ordáz of San Fernando, Fathers Thomás Esténaga and José M. Zalvidéa of San Gabriel, Fr. Vicente Olíva of San Diego, Fr. Tomás Mansilla, O. P., of Santo Tomás, Lower California, Fr. Vicente Sotomayor, O. P., of San José de Comundú, Fr. Ignacio Ramírez de Arellano, O. P., of San Antonio, Presidente of the Dominicans, and Fr. Gabriel González, O. P., of San José del Cabo, likewise in Lower California. The latter signed on December 4th, 1846.[7] A duplicate went from Santa Inés to Solano, and doubtless received the signatures of Fathers José J. Jimeno and Francisco Sánchez of Santa Inés, Fr. José Antonio Ánzar of San Juan Bautista, and Fr. José Reál of Santa Clara; but this document is not extant. The

[5] "Á cada uno en particular y á ambos á dos de Vuestras Reverencias in solidum os nombremos por nuestro Vicario General." Hence all official letters and documents issued from April 20th to May 21st, 1846, bear the signature of both Fr. Durán and Fr. González Rúbio. After that date, Fr. Durán himself fell sick, and no longer signed any papers.

[6] "Sta. Barb. Arch."; "Archb. Arch.," no. 2326; "Libro de Gobierno";—"Libro Borrador."

[7] "Sta Barb. Arch.";—"Libro de Ordenes," Mission Santa Barbara; "Libro Borrador."

secular priests in charge, the Revds. José M. Rosáles at San Buenaventura, José Miguel Gómez at San Luis Obispo, Dorotéo Ambrís at Monterey, and Prudéncio Santillan at San Francisco, probably received separate notices, which likewise are not extant. Rev. Antonio M. Jiménez, the only other secular priest in the territory, was assistant at San Gabriel.

Fathers Durán and González Rúbio, on April 22nd, jointly informed Governor Pico who, on the 28th, in turn notified the judge of the first district.[8] A similar notice was under the same date of April 22nd, 1846, despatched to General José Castro.[9]

The Bishop lingered until midnight of Thursday, April 30th, when he passed away, as a circular issued immediately by Fathers Durán and Rúbio informed the clergy and laity in the following terms: "To the Rev. Missionary Fathers and the Venerable Secular Clergy, etc. Dear Fathers and Señores. —With the most profound grief we have to communicate to you the unwelcome news of the death of our amiable Prelate, the Illustrious Don Francisco García Diego y Moreno, whom God, our Lord, through a long and painful illness, patiently borne, has been pleased to call to Himself on this date at twelve o'clock in the night.

"The virtuous and religious life of our Prelate, his edifying piety in providing for his death by receiving the holy Sacraments, above all, the infinite mercies of the Lord, cause us to believe that the Most Illustrious Diocesan, whom we lament, will already be enjoying God. Notwithstanding this, inasmuch as it is our duty to honor his good memory, and to offer suffrages for the repose of his soul, we recommend that all the Rev. Fathers, as soon as possible, celebrate with all possible solemnity the Requiem Mass and obsequies which the Ritual prescribes to be held after the reception of the notice of a prelate's death.

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[8] Pico al Juez primero de ésta ciudad (Los Angeles), April 28th, 1846. "Cal. Arch.," Dep. St. Pap., Angeles, xi, 866-867. "Libro Borrador."

[9] "Libro Borrador."

"Our sorrow is every moment felt more bitterly when we reflect that this new diocese of California, scarcely established, is already orphaned, desolate and grieving the death of its Pastor. This sad situation and this lamentable loss obliges us to exhort the whole clergy and the faithful people of the Californias with one voice to direct fervent petitions to the God of all consolation by reciting the litanies and other prayers, which the Ceremonial of Bishops command should be offered during the time a See is vacant, in order that the Lord in His mercy may deign to provide us with a new Pastor, who will console us orphans, rule, govern, and exalt this new diocese now so desolate and sorrowful.

"We supplicate each one of the Rev. Fathers to direct this circular without delay to the Rev. Father nearest him, taking care that the bearer be trustworthy. Each one will be careful not to forget affixing his name as prescribed. God guard Your Reverences. Santa Barbara, April 30th, 1846." [10]

Pico and Castro were both officially notified at the same time. The letter to the governor, written, like all these documents, by Fr. Rúbio and signed by Fr. Durán, reads as follows: "Your Excellency:—With the most bitter pain, we have to communicate to you the unfortunate news of the death of our amiable Pastor, the Most Illustrious Don Francisco García Diego, whom, after a long and painful illness patiently endured, it has pleased God to call to Himself on this date at twelve o'clock in the night. By reason of the religious life and virtues of our esteemed Diocesan, but, principally, on account of the infinite mercies of our Creator, we hope that he may already be in heaven enjoying God. Nevertheless, we hope from Your Excellency's piety that you will, as soon as you receive this sad news, offer some suffrages for the eternal rest of the soul of a Pastor so amiable and altogether devoted to this his California people. On this oc-

[10] "Libro de Entierros," Santa Barbara; "Libro Borrador";—"Igual circular que la antecedente se dirigió al Ve. Clero tanto Secular como Regular desde San Buenaventura hasta San José del Cabo de la Baja California; y la circular antecedente fué á los Padres residentes desde Santa Inés hasta San Francisco Solano."—"Libro Borrador."

casion we have the honor, etc. . . . God keep Your Excellency many years. Santa Barbara, April 30th, 1846. Fr. Narciso Durán, Fr. José M. de Jesus Gonzáles Rúbio." [11]

Next day, May 1st, official notice of the death of Bishop García Diego was despatched to the Archbishop of Mexico City, to the Minister of Justice and Public Instruction, Mexico, and to the Bishops of Puebla, Guadalajara, Morelia, Durango, Sonora, and Linares. The Minister of Justice was especially petitioned to use his influence with the President in order that a new Bishop might be speedily provided.[12]

Reporting to Governor Pico, Anastásio Carrillo, the subprefect, gave it as his opinion that the burial honors should be those of a Grand Marshal.[13] The whole population, he writes, had already been invited to attend the funeral, and a cannon was booming every fifteen minutes. "Divine Providence," he concludes, "has taken from us a grand man and a just soul." [14]

Details are meager. All we know is that the funeral took place on Sunday, May 3rd, 1846. This prevented outside priests from being present. Besides Fr. Durán, Fr. Rúbio, Fr. Antonio Jimeño of Santa Barbara, probably only Fr. José Jimeño of Santa Inés, who had an assistant, could attend obsequies. Agreeably to the late Bishop's wishes, his remains were not placed in the vaults beneath the sanctuary of the mission church where the bodies of deceased missionaries and of Governor Figueroa had been laid to rest. On the Epistle side of the main altar, therefore, a tomb was sunk beneath the floor, and there, after the funeral ceremonies, the casket containing the body of the Bishop was deposited. A large panel on the wall marks the spot.[15]

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[11] "Archb. Arch.," no. 2329; "Libro Borrador."

[12] "Libro Borrador."

[13] "Los honores de entierro deben ser de gran mariscal . . . cada cuarto de hora se tira un cañonazo. . . . Nos ha quitado la Divina Providencia á un grande hombre y una alma justa."

[14] "Cal. Arch.," Dep. St. Pap., vii, 427.

[15] El Illmo. Sr. García Diego no quiso ser sepultado allí (en la bóveda bajo del presbiterio), sino que mandó se le hiciese un

Bishop Francisco García Diego was born of good and prosperous Christian parents at Lágos, in the Mexican State of Jalisco, on the feast of the Stigmata of St. Francis, 1785. At the age of twelve, he began to study for the priesthood at the ecclesiastical seminary of Guadalajara. In 1803 he received the habit of St. Francis at the Apostolic College of Our Lady of Guadalupe, Zacatecas, and, on November 13th, 1808, he was ordained priest. In 1816, Fr. García was elected master of novices, which most important office he exercised until his appointment of lector or professor of philosophy in 1820. Two years later, he was elected for three years one of the four college discretos or councillors. In 1828, Fr. García was re-elected to the same office, and, at the same time, he received from the commissary-general the appointment of commissary-prefect for the Indian missions in charge of the college. In 1832, the new comisário-prefecto himself started out with eight Fathers and arrived at Monterey in January, 1833, in order to take charge of the missions in northern California. From that date to his death as first Bishop of California, at the age of sixty years, five months, and twenty-four days,[16] the readers are familiar with his career, so nothing more need be said, save, what is scarcely necessary to relate, that he died poor. His account book, which was kept for him by the secretary, Fr. Gonzáles Rúbio, showed a balance of only ninety-seven dollars. To this must be added $879.02 due him from José Antonio Aguírre. This amount, $976.02, the late Bishop left to the administrator of the diocese, the same Fr. González Rúbio. Personally, the Bishop possessed nothing.[17]

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sepulcro nuevo en uno de los angulos exteriores del presbiterio, en donde hoy se ve un mausoleo con su lapida é inscripcion, todo de madera pintado al oleo." Fr. González in the "Libro de Inventarios," p. 47, Santa Barbara Mission. The inscription on the panel reads as follows: "Hic jacet Illmus ac Revmus D. D. Fr. García Diego y Moreno, Primus Epus hujus Dioecesis Californ. Qui pridie Kalendas Maii, Anno Domini MDCCCXLVI ex hac vita migravit."

[16] "Libro de Entierros"; "Libro de Gobierno";—"Libro de Borrador"; Bancroft, v, 632-633.

[17] "Sta. Barb. Arch."

Notwithstanding Bancroft, who, aside from his anti-Christian notions, could not possibly pass judgment on the question, the territory needed a Bishop; but, under the prevailing circumstances, such a dignitary must needs be endowed with greater energy, fearlessness and diplomacy than the deceased prelate had manifested. Bishop Diego would have served the purpose very well under ordinary conditions in a thorough Catholic and organized diocese; but in California he was confronted by obstacles which called for the qualities of a St. Paul or a St. Charles Borromeo; for, without priests to fill the numerous vacancies; without any prospects of obtaining priests from foreign countries, because the Mexican Government, imbued with the narrow spirit of nativism, forbade the introduction of foreign ecclesiastics and religious; having failed to enlist even one secular priest from Mexico; living among a people permeated with indifferentism for the interests of Religion, and therefore not productive of candidates for the priesthood; having encountered hostility from prominent paisanos, such as Mariano Vallejo; without funds to furnish a living to priests even if he could have secured them; and most of the surviving friars on the brink of the grave; the situation in California was heartrending, indeed, and doubtless hastened the end of the oversensitive Prelate. Had he lived but three months longer, his courage might have revived on beholding himself under a really liberal government which left him free to secure priests from anywhere, because it cared naught whence the messengers of the Gospel hailed who desired to labor for the welfare of souls. As it was, the first Bishop of California had to drink the last drop in the bitter chalice offered to him under the wretched "union" of State and Church, as understood and imposed by the irreligious, ambitious, or avaricious politicians who since the sixteenth century constituted themselves the "State." This political system recognized no divine mission of the Church, but endeavored to make of her a political machine, a subordinate department of such "State," and thus subject her to the dictates of narrow nativism, which would exclude the very Savior Himself and His Apostles. Hence it was that the poor

Bishop found himself unable to procure the requisite priests. Without them, the diocese was doomed to decay and ruin. No wonder the gloomy outlook shortened his life.

It was the privilege of the Archbishop of the City of Mexico to appoint an administrator for the vacant California See; but, as the archdiocese was likewise bereft of its chief pastor,[18] the metropolitan chapter on October 7th, 1847, elected Fr. José González Rúbio to exercise the duties of administrator. It, moreover, provided that, in case Fr. Rúbio died, Fr. José Joaquín Jimeno should govern the diocese; and in case both had passed away, then Fr. Gabriel González of the Dominican Order in Lower California should act as administrator until the Holy See appointed a new Bishop.[19] The documents reached Fr. González Rúbio early in January, 1848. He accepted the office by permission of Fr. Angel Martínez, guardian of the College of Guadalupe,[20] on June 20th, and on July 27th he announced the appointment in a Circular to the Clergy.[21]

After a long interval, news from the College of San Fernando once more reached Fr. Narciso Durán. Under date of July 20th, 1845, Fr. Guardian José Hidalgo informed him that the College Chapter had, on April 20th, 1844, reelected him comisário-prefecto; that the community of San Fernando consisted of twelve priests and clerics served by six lay-brothers; that all had made their vows; that some of the young clerics were preparing to be ordained priests in September; and that an earthquake had, on April 7th, 1845, almost demolished the venerable college building, which, for lack of funds, would

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[18] Archbishop Manuel Posada y Garduño of Mexico died on the same day that carried off Bishop Diego. The See remained vacant until the arrival from Culiacán, February 4th, 1851, of Most Rev. Lázaro de la Garza y Ballestéros.

[19] Cabildo Metropolitano al Fr. González Rúbio, October 7th, 1847. "Sta. Barb. Arch."

[20] "Me ha parecido conveniente el que V. R. acepte el nombramiento de Vicário Capitular y Gobernador de esa Mitra." Fr. Angel to Fr. González, April 29th, 1848. "Sta. Barb. Arch."

[21] "Libro Borrador."

have had to remain in that condition had not their síndico, Don Ignácio Cortína, generously come to their relief.[22]

For the grand old man of that period of California the time now approached to receive eternal rewards for his labors and struggles in behalf of mission and Indian rights and welfare, unfortunately, ere he could enjoy, not the revival of the extinct neophyte establishments, but the liberty of the Church and her ministers from Mexican and worse paisano thraldom. Fr. Narciso Durán, the fearless and learned comisário-prefecto of the Franciscans since the death, in 1835, of the saintly and equally learned Fr. Vicente Francisco de Sarría, returned his soul to its Maker little more than four weeks after the demise of the Bishop, on Monday, June 1st, 1846, at the age of sixty-nine years, six months, and sixteen days. He was born on Monday, December 16th, 1776, at Castellón de Ampúrias, Catalonia. Having entered the Franciscan Order at Gerona on May 3rd, 1792, and studied the usual requisite branches, Fr. Durán was ordained priest on Saturday, December 20th, 1800, in the Bishop's chapel, Barcelona, by the Bishop of the Diocese, Rt. Rev. Pedro Díaz de Valdéz. Three years later, 1803, the young priest came to Mexico and joined the famous missionary College of San Fernando, which, in 1805, sent him to California, where he was at once stationed at Mission San José as assistant to Fr. Buenaventura Fortuni. When the latter, in 1825, was transferred to Mission San Antonio, Fr. Durán had charge of the mission until the arrival of the Zacatecan Fr. González Rúbio in February, 1833. He then took up his residence at Santa Barbara, where he continued until his death.[23]

Very early, his Superiors, Fathers Sarria and Payéras, in their reports, expressed the highest regard for the assistant at

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[22] Fr. Hidalgo to Fr. Durán, July 20th, 1845. Also certified copy of the lost Patente of Election of April 20th, 1844, which never reached Fr. Durán. The copy is dated September 20th, 1845, and bears the College Seal. "Sta. Barb. Arch."

[23] Fr. Sarría, "Biographical Sketches," 1817; Fr. Payéras, "Biographical Sketches," 1820. "Sta. Barb. Arch."; Fr. Durán's "Ordination Papers," 1800. "Sta. Barb. Arch.";—"Mission Registers," San José and Santa Barbara.

Mission San José. He was praised as a most zealous and efficient missionary, capable and deserving to hold any office. He was accordingly named presidente of the missions in 1824, and occupied the office until 1827, when a hostile Mexican Government prevented his reelection; but, in 1830, Fr. Durán was again chosen presidente, and though Governor Figueroa, and especially Governor Chico, wanted Fr. Durán banished from the territory, he exercised his duties fearlessly and wisely until appointed to the higher office of comissary-prefect in December 1836. Although Fr. Durán faced difficulties rather philosophically, and was not easily disconcerted, the following paragraph from the Rev. Patrick Short, then conducting a school at Monterey,[24] must have consoled the zealous Fr. Presidente not a little. Besides, it offers us additional evidence from which we can infer in what esteem he was held by all classes. "I have observed and felt very much the vexations," Rev. Short writes, "which Your Paternity suffered a little while ago at the hands of the Chicos and the chiefs of the country. All this, to me, is proof that the presence of Your Paternity here is giving the demons much pain."[25]

While presidente of the missions, and later as comisário-prefecto, Fr. Durán also held the office of vicar-forane to the Bishop of Sonora for Upper California until the arrival of Bishop García Diego. He was, without doubt, the most conspicuous, as well as the most esteemed and beloved personage of his time in the territory, notwithstanding his fearless championship of the rights of the missions and their neophytes. As defender of the missionaries and protector of the Indians the famous Fr. Comisário-Prefecto was, indeed, a Godsend, and as such posterity, historians in particular, owe him lasting gratitude. Indeed, were it not for the clear statements and unanswerable arguments regarding the objects and methods

[24] See preceding volume, pp. 650-652, for particulars on this victim of sectarian fanaticism in the Sandwich Islands.

[25] "Todo esto es para mi una prueba de que la morada de Vuestra Paternidad aqui hace mucha pena á los demónios." Rev. P. Short to Fr. Durán, September 14th, 1836. "Sta. Barb. Arch."

of the Indian missions and missionaries, and for his inflexible attitude regarding the rights of the Indians in opposition to white rapacity, even sincere historians would experience almost insuperable difficulties to reach the truth under the mass of calumnies with which the paisano chiefs have sought to justify their robberies. As it is, books and magazine articles, based on Hittell and Bancroft, are still published, and they are as far from the truth as stupidity or malevolence can place them. What if Fr. Durán had not written? In this and the preceding volume the sincere searcher for the truth will discover in Fr. Durán abundant evidence of the qualities that go to make a truly good and great man. Before taking leave of the famous Fr. Prefecto, we shall quote one who knew him best, Fr. González Rúbio. On the very day that saw the Fr. Prefecto pass out of this world he wrote to Governor Pico as follows:

"I have to communicate to Your Excellency the death of the Very Rev. Fr. Comisário-Prefecto and Administrator of this sacred Diocese, Fr. Narciso Durán, who, with the tranquillity of spirit and the fervent aspirations of a just man, quietly surrendered his soul to the Creator on this day, June 1st, at five o'clock in the afternoon. This event, so painful to me because of the loss of a brother, of a beloved friend, and above all of a zealous priest, of a missionary so beloved by these people, cannot but deeply affect the soul of Your Excellency; for you know very well what gratitude California owes to this venerable man,[26] who—notwithstanding that for his virtues and learning, in his own country as well as in any other, he would doubtless have made a brilliant career—abandoned it all, country, parents, relatives, friends, hopes and comforts, in order to come and consecrate to God his services in this territory as he did laudably during the long period of forty years.

"What, however, aggravates my pain most is to see this but recently planted Church of California, within a few days deprived of the two chief columns that sustained it. What

[26] "V. E. sabe muy bien cuanta gratitud debe California á este hombre venerable."

VERY REV. JOSÈ MARIA GONZÁLEZ RÚBIO, O. F. M.

shall I do in the difficult charge of the administration of this Diocese without the companion whom the Illustrious Bishop assigned to me, and whose learning, experience and guidance were so necessary? Yet, I will not have the pen note down thoughts so mournful as are those that actually control me, lest I more heavily afflict Your Excellency. Therefore, I conclude the present communication by supplicating Your Excellency often to remember in your prayers our venerable deceased, and to be pleased to accept, etc." [27]

Fr. José Joaquín Jimeno of Santa Inés, being presidente, was now the head of the half dozen surviving Fernandinos. When the official notice of Fr. Durán's death reached Mexico, the College elected Fr. Jimeno comisário-prefecto for six years.[28] One of his subjects went to his eternal rest in the same year, probably before the arrival of the Americans. This was the venerable Fr. José Maria de Zalvidéa, whose remains were interred on the Gospel side of the main altar in the mission church of San Luis Rey. Details are unknown, because the records of this mission have been stolen or lost. Fr. Zalvidéa signed the Circular of Fathers Durán and Rúbio of April 20th, 1846, which made the rounds of the missions. It reached him at San Luis Rey from San Gabriel, where Fr. Thomás Esténaga had affixed his name with the usual remarks on April 29th. It appears that Fr. Zalvidéa was too feeble to write the prescribed certification with the date of reception of the document, so with a trembling hand he merely scrawled his name immediately under that of Fr. Esténaga. It then went to San Diego, where Fr. Oliva signed on May 23rd, before sending the paper into Lower California. As it is the intention to present in the second volume of the local history a full sketch of every missionary who labored in California, it may suffice here to say that Fr. Zalvidéa was born at Bilbao, Vizcaya, Spain, on March 2nd, 1780, and

[27] Fr. Rúbio to Pico, June 1st, 1846. "Libro Borrador." A similar notification was sent to General Castro. Death notices were also dispatched to the priests from Santa Inés to Sonoma, and from Santa Barbara to San José del Cabo in Lower California. Ibidem.

[28] From death entry of Fr. J. J. Jimeno. Details are lacking.

entered the Franciscan Order on December 13th, 1798. In September, 1804, he joined the College of San Fernando, Mexico, and, in the following year, he was sent to California. He was stationed at Mission San Fernando from August 1805 to 1806; at San Gabriel until 1826; at San Juan Capistrano to 1842; and at San Luis Rey thereafter until his death, which probably occurred in June, 1846.[29]

"From the first," says Bancroft in accord with the Biographical Sketches of Fr. Sarria and Fr. Payéras, "Fr. Zalvidéa was rated by his Superiors as one of the best and most zealous of the friars, as priest, teacher, and manager of temporalities. His great field of labor was at San Gabriel, where he toiled incessantly for twenty years, and with the greatest success, to build up the temporal interests of his mission, but never neglecting spiritual affairs or sacrificing the love of his neophytes or the esteem of all who came in contact with him. He was doubtless in those days a model missionary, and then and later was regarded by the common people as a saint. He gave much attention to viticulture at San Gabriel, being the first to introduce this industry on a large scale. . . . In 1838 he declined a passport to retire, on the ground that there was none to take his place. . . . He was a tall man, of fine presence and fair complexion; always courteous in his manners, with a smile and kind word for all, and never annoyed by the presence of others. He was skilled in the native tongue, in which he used to preach on Sunday at San Gabriel. There is no evidence that he ever had an enemy or said an unkind word to any man." [30]

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[29] Mission Registers of the missions named.

[30] Bancroft, v, 622-623.

## CHAPTER XX.

Summary of Mission Work.—Motives of the Missionaries.—Spiritual Results. — Table. — Remarkable Success. — Character of the California Indians.—Methods of the Missionaries.—Mr. Charles Lummis's Opinion.—Material Results.—Agriculture and Stock Raising.—Tables.—Almost Everything Used by the Neophytes Produced at the Missions.—Mechanical Results.—Remarkable Success in Every Branch.—Influence of Missionary Methods on the Indians of the Present Time.—The Mission Indians Farther Advanced Than the Indians Elsewhere.—Major James McLaughlin's Conclusion.—Horticulture at the Missions.—Mission Architecture.

AT THIS juncture—the death of the first Bishop and of the two most noted missionaries, the total destruction of the Indian missions by Pio Pico, and the passing of California from Mexican-Paisano misrule—it is expedient to present a summary of missionary labors so that the reader may at a glance form a just estimate of the magnitude of the undertaking and of the results achieved in the temporal as well as in the spiritual order during the seventy-six years of the missions' existence.

Not a few writers have reached the remarkable conclusion, by what process of reasoning is not clear, that the California missions and the system that governed them had resulted in failure! It would be interesting to learn what such scribes might consider successful missionary work. As it is, their accounts, assertions and statements sound very much like the blind man's description of colors.

Why came the cowled and sandaled missionaries to California? That is the first question about which critics should thoroughly inform themselves, particularly prejudiced critics with whom monks and their efforts are failures no matter what they may achieve. It has already been shown [1] that the Franciscans mingled with the natives, weaned them from a

[1] Volume ii, sec. i, chapter xv, this series.

brutish life, and collected them into orderly communities with the avowed purpose of converting the Indians to Christianity. They came as messengers of Christ, and their message was the Gospel of Christ. In this undertaking Christ and His Apostles were their models; and however far they naturally fell short of realizing their ambition to be like unto their models, the fact remains that such was the purpose of their appearance in California. The honest student of missionary history will readily recognize this motive in the friars who arrived on this coast without bag or baggage, and who died or departed from the territory without having accumulated for themselves, their college, their Order, their friends, or for any one else, save the convert Indians, as much as a dollar. They came for the souls of the natives, not for the lands of the savages; for "it was as souls that the Indians appealed to the missionaries, souls to be saved, and for whom they must give account." [2] Every soul to them was worth more than an empire, and so every soul converted to Christ spelled that much gain. According to this valuation let the reader estimate first of all the spiritual successes of the missions established for the Indians in California; and then let him point out another territory within the boundaries of the United States where either gowned or ungowned missionaries accomplished nearly as much during a same period, in the face of almost constant opposition or bad example on the part of the very ones who had been appointed and expected to cooperate. The accompanying table tells the story in official figures which might easily have been raised to one hundred thousand for Baptisms had the Fathers been permitted to give full sway to their zeal in the direction of the country east of the mountain range; but royal regulations and subsequent official indifference or opposition prevented visits or the founding of missions in that region. "A happier and more satisfactory result could not be reasonably expected from the labors of the Fathers in the time," Gleeson [3] affirms. "No other instance is on record in modern days of so many

[2] "Land of Sunshine," vol. xi, 318.

[3] "Catholic Church," vol. ii, 111-112.

## SPIRITUAL RESULTS OF THE CALIFORNIA MISSIONS, 1769-1846.

| | Name of Mission. | Founded. | Baptisms. | Marriages. | Deaths. | Neophytes. (*) |
|---|---|---|---|---|---|---|
| 1. | San Diego de Alcalá | Jul. 16, 1769 | 7,125 | 2,050 | 5,000 | 1,829—1824 |
| 2. | San Carlos Borromeo | Jun. 3, 1770 | 4,800 | 1,200 | 2,850 | 876—1795 |
| 3. | San Antonio de Padua | Jul. 25, 1771 | 4,655 | 1,280 | 4,000 | 1,296—1805 |
| 4. | San Gabriel Arcangel | Sep. 8, 1771 | 8,905 | 2,015 | 6,050 | 1,701—1817 |
| 5. | San Luis Obispo | Sep. 1, 1772 | 2,990 | 870 | 2,540 | 919—1803 |
| 6. | San Francisco de Asís | Jun. 29, 1776 | 7,200 | 2,555 | 5,505 | 1,252—1820 |
| 7. | San Juan Capistrano | Nov. 1, 1776 | 4,620 | 1,200 | 3,415 | 1,361—1812 |
| 8. | Santa Clara de Asis | Jan. 12, 1777 | 10,000 | 3,000 | 7,950 | 1,541—1795 |
| 9. | San Buenaventura | Mar. 31, 1782 | 4,090 | 1,200 | 3,480 | 1,328—1816 |
| 10. | Santa Barbara | Dec. 4, 1786 | 4,660 | 1,600 | 4,300 | 1,792—1803 |
| 11. | Purisima Concepción | Dec. 8, 1787 | 3,380 | 1,070 | 2,980 | 1,520—1804 |
| 12. | Santa Cruz | Aug. 28, 1791 | 2,765 | 860 | 2,120 | 523—1796 |
| 13. | Nra. Sra. de Soledad | Oct. 9, 1791 | 2,290 | 725 | 1,890 | 688—1805 |
| 14. | San José | Jun. 11, 1797 | 8,375 | 2,530 | 6,850 | 1,886—1831 |
| 15. | San Juan Bautista | Jun. 24, 1797 | 4,765 | 1,190 | 4,480 | 1,248—1823 |
| 16. | San Miguel Arcangel | Jul. 25, 1797 | 2,885 | 900 | 2,245 | 1,076—1814 |
| 17. | San Fernando Rey | Sep. 8, 1797 | 3,090 | 920 | 2,000 | 1,081—1811 |
| 18. | San Luis Rey | Jun. 13, 1798 | 6,500 | 1,500 | 4,500 | 2,869—1826 |
| 19. | Santa Inés | Sep. 17, 1804 | 1,560 | 455 | 1,500 | 768—1816 |
| 20. | San Rafael Arcangel | Dec. 14, 1817 | 1,900 | 560 | 805 | 1,073—1831 |
| 21. | San Francisco Solano | Jul. 4, 1823 | 1,500 | 360 | 880 | 996—1832 |
| | Total (***) | | 98,055 | 28,040 | 75,340 | (**) |

(*) Year of the largest number of converts living at the respective Mission.

(**) Largest number at all the Missions together was 21,196 in 1821.

(***) About 5000 should be deducted to account for Baptisms of Whites.

being brought to a knowledge of the truth in so limited a period. When, then, to the natural difficulties offered by the country we add those of the wild and uncultivated habits of the natives, the result of missionaries' labors in this case will doubtless be regarded by all as one of the most remarkable and important recorded in history."

Unlike the Apostles, the California missionaries could not confine themselves to the preaching of the Gospel and the dispensing of the mysteries of God.[4] The savages went naked, abhorred labor, raised nothing, and therefore lived upon whatever the earth of itself produced, or upon whatever crawled and roved over the soil. Their ideas, as their scanty vocabulary indicated, were not above the material. They had no conception of a Creator as a pure Spirit dearly loving the children of men. Nor cared they for anything beyond how to satisfy their hunger and gratify themselves carnally. To approach such as these who lived on a level with the brutes; to speak to them, Bible in hand, about the truths of salvation, and not offer them some material inducements that proved it was advantageous to accept the doctrines taught, and to submit to the moral restraints imposed, would have been folly.

Wisely, therefore, the cowled missionaries accommodated themselves to the situation in the field assigned to them, and adopted the only means likely to accomplish the prime object: the conversion of those brutalized creatures to Christianity. They accordingly turned agriculturists, artisans, and stock raisers, in order to provide for the bodily necessities of the Indians and thus gain them for Christ. This method eventually developed into the famous mission system, which Mr. Lummis is pleased to declare "the most just, humane, and equitable system ever devised for an aboriginal people."[5] "Hundreds were being annually reclaimed from their barbarous

[4] I Cor., iv., 1.

[5] We have lost the reference, but Mr. Lummis sanctions the statement. See also his observations on education suitable for Indians, "Land of Sunshine," vol. xi, pp. 333-335, and compare the methods of the friars.

## MATERIAL RESULTS OF THE MISSIONS—LIVE-STOCK.

| | Name of Mission. (*) | Cattle. | Sheep. | Goats. | Swine. | Horses. | Mules. |
|---|---|---|---|---|---|---|---|
| 1. | San Diego ..... | 9,245—1822 | 19,654—1825 | 805—1789 | 763—1791 | 1,250—1830 | 395—1822 |
| 2. | San Luis Rey.....13.5 | 27,500—1832 | 28,913—1828 | 1,300—1832 | 372—1819 | 984—1805 | 47—1795 |
| 3. | San Juan Capistrano.....12.5 | 14,000—1819 | 17,030—1800 | 1,353—1784 | 206—1818 | 1,070—1824 | 82—1832 |
| 4. | San Gabriel .....18. | 26,300—1828 | 15,000—1829 | 1,380—1785 | 300—1802 | 2,065—1828 | 364—1832 |
| 5. | San Fernando ..... 9. | 12,800—1819 | 7,800—1819 | 600—1816 | 270—1812 | 2,258—1816 | 364—1832 |
| 6. | San Buenaventura.....18. | 23,400—1816 | 13,144—1816 | 488—1790 | 200—1803 | 1,239—1831 | 42—1813 |
| 7. | Santa Barbara..... 8. | 5,200—1809 | 11,221—1803 | 290—1822 | 250—1812 | 1,408—1806 | 183—1813 |
| 8. | Santa Inés.....18. | 7,300—1831 | 6,000—1811 | 120—1817 | 300—1813 | 2,750—1811 | 40—1827 |
| 9. | Purisima Concepción..... 8. | 11,000—1821 | 12,600—1820 | 292—1791 | 160—1816 | 4,652—1814 | 442—1813 |
| 10. | San Luis Obispo.....18. | 8,900—1818 | 11,000—1813 | 602—1785 | 270—1788 | 1,350—1813 | 340—1823 |
| 11. | San Miguel .....13. | 10,558—1822 | 14,079—1819 | 42—1832 | 245—1813 | 1,389—1823 | 300—1824 |
| 12. | San Antonio .....13. | 8,000—1828 | 11,500—1814 | 293—1790 | 150—1817 | 3,304—1806 | 107—1830 |
| 13. | La Soledad.....11. | 6,599—1831 | 9,500—1808 | 60—1826 | 90—1814 | 1,910—1825 | 72—1824 |
| 14. | San Carlos .....15. | 3,000—1819 | 7,000—1805 | 400—1793 | 60—1800 | 1,300—1831 | 40—1807 |
| 15. | San Juan Bautista.....12. | 11,000—1819 | 13,000—1816 | (**) | 91—1812 | 1,600—1806 | 53—1826 |
| 16. | Santa Cruz.....13. | 3,700—1828 | 8,300—1826 | 50—1818 | 150—1818 | 1,630—1827 | 186—1832 |
| 17. | Santa Clara.....11. | 14,500—1828 | 19,000—1822 | 500—1786 | 60—1820 | 1,320—1822 | 340—1812 |
| 18. | San José ..... 7. | 15,000—1826 | 20,000—1826 | (**) | 50—1807 | 2,690—1830 | 345—1828 |
| 19. | San Francisco de Asís...15. | 11,340—1809 | 11,324—1814 | 104—1784 | 12—1818 | 800—1816 | 130—1819 |
| 20. | San Rafael ..... 8. | 15,000—1826 | 20,000—1826 | (**) | 46—1831 | 1,300—1831 | 50—1832 |
| 21. | San Francisco Solano....10. | 3,500—1832 | 5,000—1829 | (**) | 80—1826 | 900—1832 | 16—1824 |

(*) Distance, by leagues, south to north, from the preceding Mission.

(**) No reports on this item for any year. The years attached indicated period of largest number.

state, the lands were turned to most profitable account, the flocks increased and trade advanced. For half a century and upwards, as long as the authority of the Fathers was recognized, the country was prosperous, the people happy, and the government secure." [6]

The two tables on the temporal state of the missions but partially and faintly show how eminently successful the missionaries operated even in the material order, a domain really foreign to them; for only such staples are enumerated on which royal decrees demanded circumstantial reports.[7] Hence we have no statistical information regarding the products of the workshops, vineyards, and orchards; [8] but, as many thousand Indians made their homes with the missionaries, and almost everything they wore, used, consumed, or exchanged for merchandise was manufactured or produced at the missions, readers acquainted with public industrial or agricultural institutions may infer what must have been the life at the Indian training and agricultural schools under the supervision of the two missionaries in charge. The very buildings still in existence give evidence.

In agreement with the general reports in the archives, Mr. Charles Lummis pithily sums up this part of mission results as follows: "The historic and impregnable fact is disquieting to thoughtful Americans that in fifty-four years [9] Spain [10] had converted about 100,000 of these Indians from savagery to Christianity; had built twenty-one costly and beautiful temples for them to worship in—and the best of those Indian churches could not be replaced to-day for $100,000—had given them schools and industrial schools, in far greater number than they have to-day, after fifty-four years of American rule;

[6] Gleeson, "Catholic Church in California," vol. ii, p. 155.

[7] Viceroy Bucareli, "Regulations," February 19th, 1776. "Sta. Barb. Arch." See translation in vol. i, 541-544, this series.

[8] Likewise no reports were demanded on hides, tallow, wool, hemp, cotton, fruits, wine, and olive oil.

[9] To date of founding of the last mission in 1823.

[10] Spanish missionaries. The government treasury contributed nothing, and the officials were frequently only a drawback.

had taught them a Religion and a language they have not yet forgotten, and to which ninety-nine per cent. of them are still devoted to the exclusion of anything we have been at pains to teach them; had taught them to build good houses, to be good carpenters, masons, plasterers, blacksmiths, soapmakers, tanners, shoemakers, cooks, brickmakers, spinners, weavers, saddlers, shepherds, cowboys, vineyardists, fruit-growers, millers, wagon-makers, and so on." [11]

Indeed, the influence of the missionaries and their methods have been productive of good down to the present time, as is attested by Major James McLaughlin, for many years Indian Agent in Dakota, and for the last score of years United States Indian Inspector. One would suppose him to be partial to the Indians of the Eastern and Central States; but this is what his honest conviction constrains him to say: "It is an odd condition that the Pacific States Indians, who were by no means the equals of the plains Indians physically or mentally in their native state, have progressed beyond their better-developed brethren in the civilized arts. . . . It is a far cry from the *Mission Indians* of the southwest coast to the Chilcat family on the north; and, while the former were subjected to the civilizing influences of the early missionaries, the more northern tribes were exposed to the demoralization that must have followed contact with the sailors and early explorers. . . . As a consequence, *they (the Mission Indians) are farther advanced than the Indians of whom much more might have been expected.* Many of them, though only a couple of

[11] "Out West," May, 1902, p. 520. Mr. Lummis in this connection remarks: "In all the Spanish occupation of California, I cannot discover that it ever once happened that an Indian was driven off his land." Ibidem. A decided change came with the Mexican flag, and matters grew worse when the paisano chiefs took control. American rule likewise has much to answer for, as the U. S. Senate Report, no. 74, January 23rd, 1888, 50th Congress, 1st Session, p. 1, acknowledges when it says: "The history of the Mission Indians for a century may be written in four words, **conversion, civilization, neglect, outrage.** The conversion and civilization were the work of the Mission Fathers previous to our acquisition of California; the neglect and outrage have been mainly our own." "Out West," ut supra, p. 519.

generations removed from a people living on roots and fish, to whom even reptiles were not unfamiliar articles of diet, have acquired all the better habits of the whites, and their social condition is *not infrequently rather better* than that of the people among whom they live and who boast European blood." [12]

"Horticulture and gardening were confined almost exclusively to the missions," says Hittell. "Hardly a colonist from San Diego to Sonoma planted a fruit tree." [13] Horticultural products, however, were not officially reported, though in the aggregate they must have been considerable. Documents and travelers, notably Vancouver [14] and Robinson,[15] mention almonds, apples, apricots, bananas, cane (sugar), cherries, citrons, dates, figs, grapes,[16] lemons, limes, melons, olives,[17] oranges, peaches, pears, plantains, plums, pomegranates, potatoes, prunes, rice, squashes, turnips, and walnuts. Details the reader will find in the local history.

A result of missionary activity which first attracts the eye of the tourist or student as he travels through California, will be stated here in the words of one who can scarcely hide his antipathy for Catholic missionaries.[18] "The later missions," says the author of a work on Fr. Serra, "were striking in their artistic beauty and simplicity. These Spanish friars produced with the rawest, most unpromising materials buildings which to this day arrest the eye of the traveler and

[12] McLaughlin, "My Friend The Indian," pp. 312-313. New York, Houghton Mifflin Comp., 1910. Italics are ours.

[13] Hittell, ii, 474. "Californians had no taste for gardens that had to be cared for; as they planted no trees, so also they cultivated no flowers." Ibidem, p. 475.

[14] "Voyage," iii, 34.

[15] "Life in California," 45.

[16] Grape wine was made at all the missions, especially in the south; but reports were not demanded.

[17] Olive oil was first produced at Mission San Diego in the last decade of the eighteenth century; but reports were not exacted.

[18] Fitch, "Junípero Serra," 171-172. It is not possible that an intelligent man, a book reviewer at that, could write his page 298 in good faith. Let him consult vol. i, p. 99; vol. ii, pp. 251-252.

## MATERIAL RESULTS OF THE MISSIONS — AGRICULTURAL PRODUCTS, 1783-1832.

| | Name of Mission. | Wheat. Fs. (*) | Barley. Fs. | Corn. Fs. | Beans. Fs. | Peas. Fs. | Lent. (**) Fs. | Total. Fs. | Total. Bushels. |
|---|---|---|---|---|---|---|---|---|---|
| 1. | San Diego de Alcalá | 91,081 | 49,501 | 15,036 | 2,923 | 60 | 74 | 158,675 | 280,959 |
| 2. | San Carlos Borromeo | 26,452 | 34,643 | 14,068 | 13,159 | 4,210 | 124 | 92,656 | 165,976 |
| 3. | San Antonio de Padua | 60,770 | 7,000 | 12,500 | 1,861 | 1,730 | 62 | 83,923 | 142,204 |
| 4. | San Gabriel Arcangel | 127,710 | 815 | 93,257 | 10,056 | 1,267 | 590 | 233,695 | 389,763 |
| 5. | San Luis Obispo | 78,788 | 885 | 11,832 | 2,727 | 849 | 91 | 95,172 | 158,915 |
| 6. | San Francisco de Asís | 73,249 | 37,107 | 11,105 | 8,516 | 4,864 | 462 | 135,243 | 237,774 |
| 7. | San Juan Capistrano | 90,080 | 4,383 | 48,548 | 7,937 | 63 | 132 | 151,143 | 253,365 |
| 8. | Santa Clara de Asís | 126,075 | 13,540 | 29,770 | 7,691 | 2,107 | 542 | 179,725 | 304,055 |
| 9. | San Buenaventura | 111,412 | 37,412 | 36,040 | 5,259 | 714 | 177 | 191,014 | 330,828 |
| 10. | Santa Barbara | 97,405 | 16,561 | 12,412 | 1,807 | 394 | 172 | 128,751 | 220,107 |
| 11. | Purisima Concepción | 72,164 | 5,694 | 19,179 | 5,565 | 2,355 | 92 | 105,049 | 176,979 |
| 12. | Santa Cruz | 45,647 | 8,482 | 19,206 | 9,177 | 2,040 | 381 | 84,933 | 144,382 |
| 13. | Nra. Sra. de Soledad | 41,303 | 8,085 | 11,283 | 4,283 | 3,289 | 165 | 68,408 | 116,708 |
| 14. | San José | 79,450 | 9,914 | 8,603 | 4,179 | 1,521 | 180 | 103,847 | 176,383 |
| 15. | San Juan Bautista | 51,060 | 5,064 | 11,008 | 1,859 | 426 | 160 | 69,577 | 117,650 |
| 16. | San Miguel Arcangel | 46,796 | 5,587 | 4,566 | 677 | 386 | 60 | 58,072 | 98,648 |
| 17. | San Fernando Rey | 76,815 | 1,479 | 17,004 | 2,735 | 291 | 212 | 98,536 | 164,719 |
| 18. | San Luis Rey | 75,852 | 68,985 | 70,849 | 6,548 | 365 | 210 | 222,809 | 394,343 |
| 19. | Santa Inés | 37,345 | 2,596 | 22,395 | 2,945 | 1,300 | 536 | 67,117 | 112,727 |
| 20. | San Rafael Arcangel | 41,736 | 22,796 | 6,642 | 2,555 | 800 | 80 | 74,609 | 131,946 |
| 21. | San Francisco Solano | 6,654 | 2,627 | 1,230 | 250 | 210 | 20 | 10,991 | 19,194 |
| | Total | 1,457,844 | 343,156 | 476,473 | 102,709 | 29,241 | 4,522 | 2,413,945 | 4,137,625 |

(*) Fanega—100 lbs.; bushel—60 lbs., except for barley, which has 50 lbs.

(**) Lentils and garbanzos or chick-peas.

No reports were demanded before the year 1783.

fill him with wonder and admiration. The student of architecture can find in the United States, to-day, nothing more original in conception, more beautiful in design, than the ruined remains of the old California missions. It may have been an advantage to the Franciscans that their workmen, the untutored Indians, possessed no preconceived architectural ideas and obeyed implicitly the directions of the friars, who in turn, having no model to copy from, drew their inspiration direct from nature. Many of the missionaries developed a remarkable talent in designing and building. With them rests the honor of having created an original style of architecture, so harmoniously adapted to the blue skies, lofty mountains, and fertile plains of California, that 'mission architecture' has become a recognized and justly favorite type of building on the Pacific slope."

Finally, one effective and most successful result of missionary efforts—in the eyes of the governments the most important—though it is entirely overlooked by superficial writers, especially by authors on general principles hostile to Catholic religious, was the peace and tranquillity brought about in the territory covered by the missions.

It will be remembered that the Spanish Government spent a quarter million dollars for the purpose of subjugating Lower California by force of arms, but that she failed ignominiously.[19] Nor was the peninsula secured for the crown of Spain until the unarmed Jesuit missionaries had been invited to accept the task of pacification. Their teachings and unselfish ways conquered. The savages who would not yield to the sword, surrendered to the Cross and to the bearers of the Cross. How the Cross-bearers were requited, is history.[20]

Similarly Upper California was conquered and preserved for Spain and Mexico, not by the soldiery, which was rather a drawback, but by the persuasiveness and the selfsacrifice of the Franciscan missionaries. Here, too, Religion overcame savage nature and turned indolent natives into law-abiding and industrious subjects. So well the friars succeeded that

[19] See vol. i, p. 70.

[20] See vol. i, part i, chap. xvi.

the military forces found nothing to do but wage war on the very missionaries. This, too, is history, as the preceding volumes testify.

It would be far beside the mark to assert that from the mild California Indians nothing need have been feared, and that the country could have been occupied by the Spaniards with only a show of arms, and without the aid of missionaries. The uprising of the natives at San Diego in November, 1775, and the revolt at Purisima, Santa Inés, and Santa Barbara in February, 1824,[21] refute such an assumption. Had the friars not been thoroughly loyal, they need but have given the sign, when the oppressed neophytes would have swept their oppressors into the sea. The reader will discover conclusive proof of the powerful influence of Religion over the Indians in the conduct of the convert Indians during the mission period, and of the want of religious check after the dispersion of the neophytes and the confiscation of the missions. Let the reader but turn to chapter vii, section ii, and then form his own judgment accordingly. This, by the way, is substantial proof that the missionaries must have treated the neophytes gently, otherwise it is unintelligible why the dispersed Indians after long years should yearn for the times when they lived under the supervision of the friars. Hence we need not wonder that the United States Government frequently made use of Catholic missionaries, in preference to soldiers, for the purpose of avoiding bloodshed and restoring peace. As for civilizing Indians, even after they have been conquered, that, too, has not been effected anywhere save through men who bore aloft the Cross of salvation. "Experience has fully demonstrated," writes an Indian Agent, "that no healthy and permanent progress in civilization has ever yet been made among our Indians unaccompanied by Christianity." [22]

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[21] See vol. iii, sect. i, chap. xii.

[22] R. H. Milroy, U. S. Indian Agent, Yakima Agency, Wash. Ter., August 16th, 1883, to Hon. Commissioner of Indian Affairs. "Annual Report of the Hon. Commissioner of Indian Affairs," for the year 1883, p. 156.

# SECTION III

VERY REV. FR. GONZÁLEZ RÚBIO, O. F. M.
Administrator
(1846-1851)

MOST REV. JOSÉ SADOC ALEMANY, O. P.
Bishop of Monterey
(1851-1853)

Archbishop of San Francisco
(1853-1884)

RT. REV. THADDEUS AMAT, C. M.
Bishop of Monterey
(1854-1878)

E PLURIBUS UNUM

## CHAPTER I.

New Era.—Raising of the Bear Flag.—Proclamation Justifying the Act. — Mariano Vallejo a Prisoner. — Excitement. — Castro's Bando.—Asks Pico for Aid.—Pico's Proclamation.—Castro and Pico Reconciled, Retreat.—New Colonization Scheme.—Outcome.—Commodore J. D. Sloat With Squadron Arrives at Monterey. — Orders to His Men. — Lands Troops and Raises the United States Flag.—His Wise Proclamation.—Castro and Pico Asked to Surrender.—U. S. Flag Raised at San Francisco, Sonoma and Sutter's Fort.—Commodore Stockton Arrives.—Sloat Withdraws.—Stockton in Command.—His Unwise Proclamation. —Pico's Call to Arms.—How It Was Received.—Castro's and Pico's United "Army" at Los Angeles.—Stockton Lands Troops at San Pedro.—Demand on Castro to Raise U. S. Flag Rejected. —Castro and Pico Leave the Country.—Bancroft's Judgment.

WE NOW enter upon an era of California history which effected a radical change in the conditions of the territory. In the interest of the convert Indians it is deeply to be regretted that this change did not set in fifteen or twenty years previously; for the missions would then have been saved, and thousands of natives would not have been compelled to lead the lives of wanderers. Retribution, however, swiftly overtook the mission despoilers. Ere the ink had fairly dried on the last bill of sale which alienated inalienable mission property, and made the few surviving missionaries homeless, the Picos, Castros and Vallejos knew their fate. In fact, the perpetrators of the crime against the neophytes and their guardians were about to eliminate one another,[1] when on June 23rd, 1846, astounding news reached Pico at Santa Barbara from the north, and compelled him not only to desist from seeking the overthrow of his rival, General José Castro, but to unite with him against the common enemy.

What the despatches announced was alarming, indeed. At dawn of Sunday, June 14th, a company of thirty-two or thirty-three Americans, composed of settlers and adventurers and

[1] See chapters xvi-xvii, section ii, this volume.

headed by Ezekiel Merritt, Dr. Robert Semple, and John Grigsby, surprised and captured the sleeping commander of the military post at Sonoma, Colonel Mariano Vallejo, and his aids Lieutenant-Colonel Victor Prudon and Captain Salvadór Vallejo. The prisoners, in charge of the leaders named and of seven others from the attacking party, were marched off to Fort Sutter. The remainder of the audacious band elected a William B. Ide their captain. Under his command the military post was then seized and eighteen Mexicans captured. Nine brass guns, two hundred and fifty muskets, and other property fell into the hands of the Americans.

At this stage in the proceedings the victors resolved to organize an independent state after the manner of Texas, which just then was the bone of contention between Mexico and the United States. A flag, in consequence, became the first necessity. There was no authority for unfurling the Stars and Stripes, though some, perhaps all, seemed to be under the impression that they were doing a favor to the United States. A piece of white cotton cloth, about one yard wide and two yards long, was procured. Along the lower edge was sewed a narrow strip of red flannel to indicate the stripe. For a design the star and the grizzly bear were suggested. One of the party, William L. Todd, accordingly, undertook the task of supplying this need. In the upper left-hand corner of the white cloth he outlined in ink, and filled in with red paint, an irregular five-pointed star, fifteen inches in diameter. Just to the right of the star, and facing it, he painted in like manner what was to represent a bear.[2] Underneath these emblems were painted in black ink and in large Roman letters the words "CALIFORNIA REPUBLIC." The new flag was then run up the flag-staff from which hitherto

[2] The merits of the artist may be judged from an incident that took place on one occasion when the flag was borne in procession at San Francisco. Two street boys were looking at the parade. One shouted to the other: "Hello, Bill, what's them comin' yonder?" "Don't you know what them is?" the other shouted back. "Them's the Butchers and Drovers. Don't you see the figur' of the stuffed pig?" Hittell, ii, 432.

RAISING OF THE BEAR FLAG AT SONOMA, JUNE 14th, 1846

had floated the Mexican colors. Such was the origin of the Bear Flag and of the Bear Flag Revolt.

The next thing in order was the necessity of justifying the proceedings before the people of California. Captain Ide accordingly set to work and elaborated the following Proclamation which was reproduced and sent out to various quarters:—"The Commander-in-chief of the troops at the fortress of Sonoma, gives his inviolable pledge to all persons in California, not found under arms, that they shall not be disturbed in their persons, their property, or social relations, one with another, by men of his command.

"He also solemnly declares his object to be first, to defend himself and companions in arms, who were invited to this country by a promise of lands on which to settle themselves and families; who were also promised a Republican Government; when having arrived in California they were denied the privilege of buying or renting lands of their friends; who, instead of being allowed to participate in or being protected by a Republican Government, were oppressed by a military despotism; who were even threatened by proclamation, by the chief officers of the aforesaid despotism, with extermination, if they should not depart out of the country, leaving all their property, arms, and beasts of burden; and thus deprived of their means of flight and defense, were to be driven through the deserts inhabited by hostile Indians to certain destruction.

"To overthrow a government which *has seized upon the property of the missions for its individual aggrandizement;*[3] which has ruined and shamefully oppressed the laboring people of California, by enormous exactions on goods imported into the country, is the determined purpose of the brave men who are associated under my command.

"I also solemnly declare my object, in the second place, to be to invite all peaceable and good citizens of California, who

[3] Ide must have felt that he was voicing the views of the foreign settlers, as well as those of many Californians, concerning mission spoliation, or he would have omitted this clause. The italics are ours.

are friendly to the maintenance of good order and equal rights, and I do hereby invite them to repair to my camp at Sonoma, without delay, to assist us in establishing and perpetuating a Republican Government, which shall secure to all civil and religious liberty; which shall encourage virtue and literature; which shall leave unshackled by fetters, agriculture, commerce, and manufactures.

"I further declare, that I rely upon the rectitude of our intentions, the favor of heaven, and the bravery of those who are bound and associated with me, by the principles of self-preservation, by their love of truth, and the hatred of tyranny, for my hopes of success.

"I furthermore declare, that I believe that a government to be prosperous and happy, must originate with the people, who are friendly to its existence; that the citizens are its guardians, the officers its servants, its glory its reward.—William B. Ide. Headquarters, Sonoma, June 15th, 1846." [4]

Captain J. C. Fremont now again becomes prominent. After he had in March been forced from the vicinity of Mission San Juan Bautista,[5] he had gone north with the avowed purpose of proceeding to Oregon. At Klamath Lake, for some reason, he changed his mind and retraced his steps. On June 13th he camped near the mouth of the American River. Here the Sonoma captives were presented to him on June 16th. Instead of being released, as Vallejo had expected, the prisoners were marched off the same night to be locked up at Sutter's Fort. "This was a severe blow to Vallejo's pride," Bancroft remarks; but "he had never been in all respects a popular man in California; and now there were not wanting among his countrymen those who expressed a degree of satisfaction that the 'autocrat of Sonoma' was reaping the rewards of long 'coquetting' with the Americans," [6] rather for his tyrannical treatment of those who fell into his hands.[7]

[4] "Annals of San Francisco," 92; Bancroft, v, 143-168; Hittell, ii, 408; 429-439; "Hesperian," vol. iii, 386-390.

[5] See chap. xvii, sect. ii, this volume.

[6] Bancroft, v, 125-126.

[7] See his treatment of Fr. Durán and of Inspector Hartnell. Val-

The news of the occurrences at Sonoma naturally created great excitement among the paisanos and Mexicans. On June 16th, General Castro immediately issued a proclamation to the soldiers. He informed them that "a legion of adventurers from the United States had surprised and made prisoners the comandante of the post, Mariano Vallejo and others, their companions in arms."[8] Not doubting their patriotism, he was sure they would march with him to break the fetters with which the oppressor endeavored to enslave them. As their friend and leader, he was ready to place himself at their head and offer himself a sacrifice for the country. Next day Castro issued another proclamation begging the Californians to rally to the defense of their country. A third address offered protection to the foreign residents.[9] On the 17th of June Castro notified Governor Pico of what had happened in the north. It was evident, he said, that the fear of a foreign invasion to which he had so often called attention was now proved well founded. The country was piteously calling for aid. It was time to join in an embrace of reconciliation. Union and independence should be the motto. In the name of the beloved country, therefore, he conjured Pico to forget the past and to consign it to everlasting oblivion; to unite with him, and in conjunction with him to arouse the people for the common defense.[10] On June 25th, Castro again asked Pico to cooperate with him. He reported a force of one hundred and seventy men, whereas Fremont was said to have four hundred riflemen; and once more from Santa Clara on July 1st Castro pleaded for cooperation and aid.[11]

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lejo would now, himself, have rejoiced if a Fr. Durán interceded for him. Once, when ordering prisoners to Sonoma, Alvarado remarked: "If I send them to hell, they would not receive what they deserved; therefore I send them to Vallejo." Hittell, ii, 252.

[8] "Una legion de aventurados de los Estados Unidos del Norte han sorprendido la frontera de Sonoma, llegando al estremo de tomar prisoneros á el Comandante Militar Mariano Vallejo, etc., compañeros de armas." "Cal. Arch.," Dep. St. Pap. vii, 234.

[9] "Cal. Arch.," Dep. St. Pap. vii, 239; Bancroft, v, 132-133.

[10] "Cal. Arch.," Dep. St. Pap. vii, 431.

[11] "Cal. Arch.," Dep. St. Pap. vii, 249-250; 251-254.

When, on June 23rd, Pico at Santa Barbara received the news of the Bear Flag Revolt, he immediately issued a proclamation.[12] "The document," says Bancroft, "was much more violent and bombastic in style than that of Castro in the north. As to the general's appeal of these days to forget past resentments and unite for the country's defense, it does not appear that the governor made any reply to them. . . . The response to Pico's appeals in the south was not more satisfactory than that to Castro's in the north. No more than a dozen or fifteen men were sent from Los Angeles, after much correspondence. . . . Nor did the members of the assembly obey Pico's summons to Santa Barbara, even when he on June 29th[13] sent an earnest appeal, launching the 'anathema of the country against those who do not come to its defense,' and 'holding you responsible before God and the nation if under trivial pretenses you do not set out at once.'"[14]

"Not much is recorded of the governor's last days at Santa Barbara; but it appears that by the beginning of July he had about one hundred men ready for the march, most of whom were despatched (north) immediately under Captain Andrés Pico. Don Pico followed on or about July 6th, and two days later was at Santa Inés. Here Manuel Castro met him, having been sent by the general to effect a reconciliation. . . . Don Manuel worked hard to make the governor understand the true position of affairs, and to explain the absolute necessity of united action. Pico was convinced against his will, not that Castro was acting in good faith, but that his officers and men could not be depended on to fight the general; and at last he reluctantly promised to forget past dissensions, and to unite with Castro against the foreigners. Then they marched northward until the two 'armies' met on or about July 12th at Santa Margarita Rancho, near San Luis Obispo"; but José Castro, who from Los Ojitos had notified Pico in a

[12] Bancroft, v, 138-139.

[13] "Conjuro á unirse al gobierno para salvar al pais." Pico to Assembly, June 29th, 1846. "Cal. Arch.," Dep. St. Pap., viii, 387-388.

[14] Bancroft, v, 138-142, passim.

general way, brought detailed information which alarmed Pico far more than the Bear Flag Revolt, and, after publicly though not very cordially returning the embrace of Castro, induced him to accompany both "armies" mournfully to his capital Los Angeles.[15]

Meanwhile, the legislative assembly had been in session at Los Angeles during all the months since March, 1846. Only one of the subjects that occupied its attention at the last meetings demands our consideration. In the preceding year of 1845, Rev. Eugene McNamara, "a native of Ireland, Catholic priest, and apostolic missionary," petitioned the President of Mexico for a grant of land in California. His avowed object was threefold. "I wish in the first place," he argued, "to advance the cause of Catholicism.[16] In the second, to contribute to the happiness of my countrymen. Thirdly, I desire to put an obstacle in the way of further usurpations on the part of an irreligious and anti-Catholic nation."[17] The Rev. McNamara proposed to bring over one thousand families as a beginning, each of which was to have a square league of land, and this first colony was to be located on the bay of San Francisco; a second colony was to be established later near Monterey; and a third at Santa Barbara. The Mexican Government hesitated to grant the petition. McNamara, therefore, again urged the advantages of his project and the necessity of prompt action. "If the means which I propose be not speedily adopted, Your Excellency," he addressed the President, "may be assured that before another year the Californias will form a part of the American nation. Their Catholic institutions will become the prey of the Methodist wolves;[18]

[15] Castro to Pico, July 11th, 1846. "Cal. Arch.," Dep. St. Pap. vii, 266-269; Bancroft, v, 142-144.

[16] Sounds suspicious, like the third motive. It will be remembered, however, that the statements rest altogether on Fremont's presentation of the matter, with whom the documents, as Bancroft (v, 216) observes, bear no dates. Fremont's shady transactions in California affairs at this time only add to the suspicions. The Irish, then or later, would not have preferred England to America.

[17] Upham, "Life of Fremont," 230; Bancroft, v, 215.

[18] McNamara must have been very ignorant not to know that in

and the whole country will be inundated with these cruel invaders"; but ten thousand Irishmen "will be sufficient to repel at the same time the secret intrigues and the open attacks of the American usurpers." [19]

Rev. McNamara, in January, 1846, was informed by Minister Castillo Lanzas that his petition would be submitted to the Mexican Congress. Whether or not Congress took any action, is not known; but McNamara must have been encouraged to present his project to the California authorities. At all events, he embarked for Monterey on the English ship *Juno,* and arrived there before the middle of June. On board the same vessel he left Monterey, June 17th, for Santa Barbara, and arrived there probably about the 20th of the month. McNamara soon after must have presented his plan to Governor Pico, for the latter on June 24th forwarded the petition with his approval to the assembly at Los Angeles.[20] Rev. McNamara must have been a priest in good standing in Ireland, and his papers must have convinced the Very Rev. González Rúbio, administrator of the diocese; for, on June 29th, he received the faculties to hear confessions and to preach in English and French.[21]

The assembly took up the matter on July 6th and referred it to a committee consisting of Santiago Argüello and Bandini. Their report, rendered next day in an extra session,

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the United States numerous Catholic institutions were thriving unmolested. This clause confirms our suspicion that Fremont had more to do with the wording of the petition as it exists than McNamara. It would not have influenced the Mexican Government, as McNamara must have known.

[19] 10,000 able-bodied Irishmen, but not women and children. Furthermore, the 10,000 could not possibly be brought over before the lapse of some years. According to McNamara, or what appears under his name, another year would find California a part of the American nation. Bancroft, v, 215-216. Until exact copies of the original documents with dates and signatures appear or the sources are indicated, we shall regard these statements as interpolations.

[20] Pico to Assembly, June 24th, 1846. "Cal. Arch.," Leg. Rec. iv, 720-721.

[21] "Libro de Gobierno."

being favorable to the plan, was adopted and Rev. McNamara's petition with restrictions granted on July 7th.[22] The document containing the concession in seven articles was forwarded to Pico for his approval. The messenger could not possibly have reached Santa Barbara before the 9th, when, as we have seen, Pico was on his way from Santa Inés to San Luis Obispo, and he did not return to Santa Barbara before the 12th or 13th of July. "Then he doubtless made out and signed in due form a grant to McNamara, subject to the approval of the National Government. The terms and conditions of the grant were substantially as fixed by the assembly, it being specified, however, that the tract was to be wholly in the interior, twenty leagues from the coast; that each of the 3000 families—instead of 2000 as before—should have one league, or less if the tract should not suffice; and that any excess should be reserved by the government."[23] "Thus far," Bancroft continues, "all had been apparently regular and in accordance with legal formalities. But it is to be noted that the final grant, as extant in print, is dated at Santa Barbara on July 4th. If the document was really signed on that date, it was in advance of legislative action and invalid; otherwise it was signed after the 12th, and fraudulently dated back, in consequence of Pico's having learned on his northern trip that the United States flag had been raised on the 7th."[24] With this grant McNamara went up to Monterery, and on the 23rd of July sailed in the British flagship *Collingwood* for the Sandwich Islands[25] with a view to having the concession approved by the Mexican Government. Nothing, however, came of the colonization project, for reasons that will appear presently.

On May 13th, 1846, the United States declared war against

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[22] "Al que (Dictamen de Colonizacion), dispensados los tramites de reglamento, fue aprobado en el orden que sigue." Follow the seven articles. "Cal. Arch.," Leg. Rec. iv, 722-724.

[23] Bancroft, v, 219.

[24] Bancroft, v, 219; Hittell, ii, 575-576.

[25] Bancroft, v, 220; "Fiftieth Anniversary of the Raising of the Flag," page 27. Oakland, Cal., 1896.

Mexico, and Congress authorized 50,000 volunteer troops to be enlisted to carry it on. Provisions were also made for an "Army of the West," which was to conquer New Mexico, and thence to proceed to the seizure of California. Naval forces on the Pacific Ocean were to cooperate with the land forces. The armed vessels along the Mexican coast were the frigates *Savannah, Congress* and *Constitution,* and the sloops *Warren, Portsmouth, Levant,* and *Cyane.* The commander of this squadron was Commodore John D. Sloat. He had instructions, in case of war, to seize and hold California. He was aboard the flagship *Savannah* at Mazatlán when on June 7th, 1846, he learned that Mexican troops had crossed the Rio Grande, and attacked the Americans under General Zachary Taylor. On June 8th, therefore, he set sail for Monterey, which he reached on July 2nd. The *Cyane* and *Levant,* ordered thither some time previous to Sloat's departure from Mazatlan, already anchored at that port. The *Portsmouth* likewise lay at San Francisco equally ready for any emergency.

It was not till the evening of Monday, July 6th, however, that Sloat decided to hoist the United States flag at Monterey. At the same time he despatched orders to Captain John B. Montgomery of the *Portsmouth* to raise the flag at San Francisco, or Yerba Buena as it was still called for one year more. At an early hour on Tuesday, July 7th, Commodore Sloat sent Captain William Mervine ashore with a demand for the surrender of the post. Comandante Mariano Silva replied that he had no authority to surrender the place, and, as there were no troops, arms, nor property, the commodore might address himself to General José Castro.[26] On receipt of this reply, at about half past nine, a. m., Sloat had the following general order read to his men: "We are now about to land on the territory of Mexico with which the United States are at war. To strike their flag and hoist our own in the place of it, is our duty. It is not only our duty to take California, but to preserve it afterwards as a part of the United States at all

[26] Sloat to Secretary Geo. Bancroft, July 31st, 1846. "Executive Document," no. 60. pp. 258-260; 263. Bancroft, v, 224-230; Hittell, ii, 456-463; Cutts, "Conquest of California," 111-112.

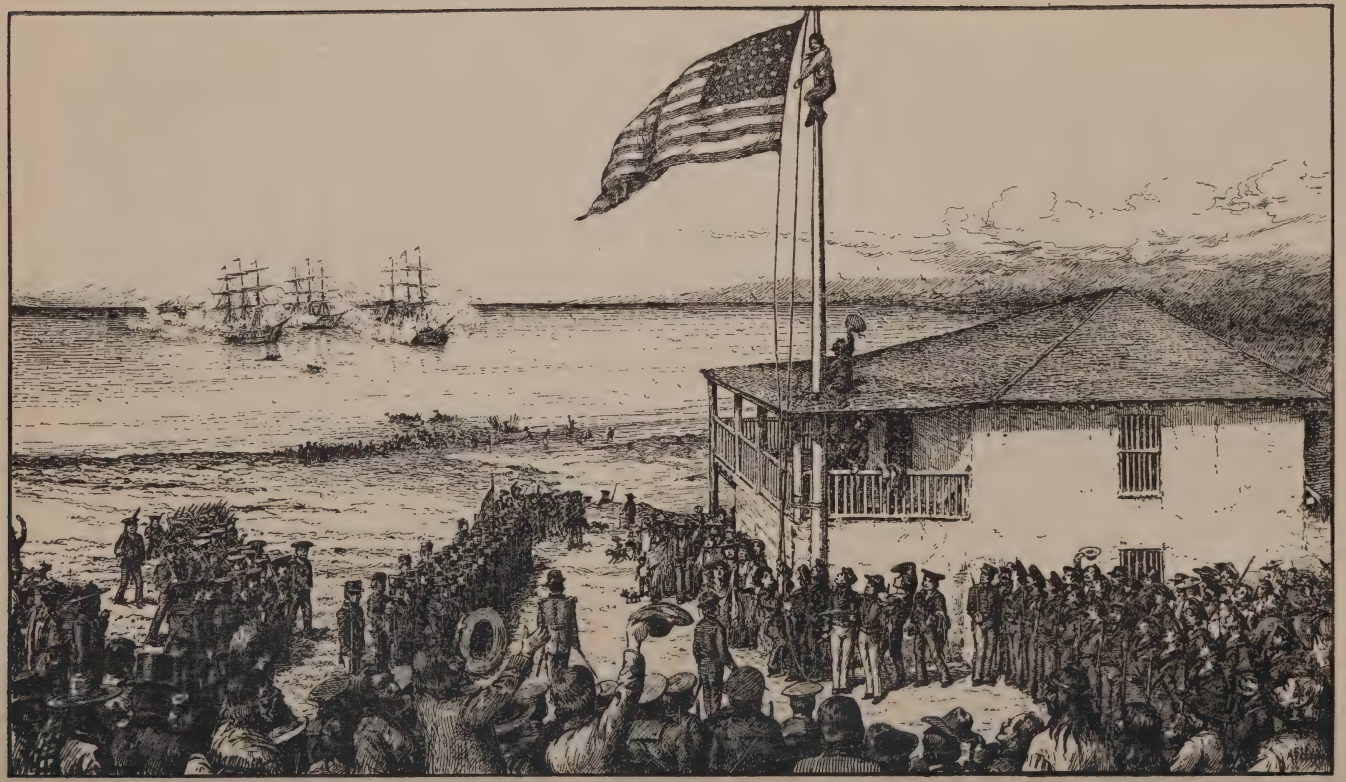
hazards. To accomplish this it is of the first importance to cultivate the good opinion of the inhabitants, whom we must reconcile. I scarcely consider it necessary for me to caution American seamen and marines against the detestable crime of plundering and maltreating unoffending inhabitants." Then follow in six articles detailed regulations. The sixth read: "Finally let me entreat you, one and all, not to tarnish our hope of bright success by any act that we shall be ashamed to acknowledge before God and our country." [27] "By 10 o'clock the necessary force of 250 seamen and marines were landed under the immediate command of Captain Mervine, and were immediately marched to the custom-house, where Commodore Sloat's proclamation was read, the standard of the United States hoisted [28] amid three cheers by the troops and foreigners present, and a salute of twenty-one guns fired by all the ships. Immediately afterwards, the proclamation, both in English and Spanish, was posted up about the town, and two justices of the peace appointed to preserve order and punish delinquencies, the alcades declining to serve." [29]

"The document" (Sloat's proclamation) "was most wisely framed to accomplish its purpose. Moderate and friendly in tone, it touched skilfully upon the people's past grievances—neglect by Mexico, high prices of imported goods, official corruption, and insecurity of life and property; and contained no allusions likely to arouse patriotic, religious, or race prejudices. No proclamation involving a change of nationality could have been more favorably received by Californians of all classes. Many, not before friends of annexation, welcomed the change as a relief from prospective Bear Flag rule; though nearly all would have been better pleased had the lack

[27] "Cal. Arch.," Dep. St. Pap. vii, 261-262. "Executive Document," no. 60. Occupation of Mexican Territory, pp. 262-263. Compare this with the treatment inflicted, at this late day in the world's progress, by Carranza and Villa on their unfortunate countrymen in Mexico.

[28] "There had been no Mexican flag flying for two months." Bancroft, v, 231.

[29] Sloat's Despatch, July 31st, 1846. "Executive Document," no. 60, pp. 261-262; Cutts, 112.



RAISING OF THE FLAG OF THE UNITED STATES AT MONTEREY, JULY 7th, 1846

of all connection between the revolt and the hoisting of the Stars and Stripes been somewhat more apparent." [30]

What concerns our subject, especially, are the last two paragraphs in Sloat's proclamation. They likewise express the conduct of the United States army in Mexico during that period. "All churches," Sloat assures the people, "and the property they contain, in possession of the clergy of California, shall continue in the same rights and possessions they now enjoy.[31] All provisions and supplies of every kind furnished by the inhabitants for the use of the United States ships and soldiers will be paid for at fair rates; and no private property will be taken for public use without just compensation at the moment."

"Immediately after taking possession of Monterey, a courier was despatched to Don José Castro, with a copy of the proclamation, requiring him, in order to prevent the sacrifice of life and the horrors of war, to surrender everything under his control and jurisdiction; and he was invited to meet Com. Sloat at Monterey, to enter into articles of capitulation, that he, with his officers and soldiers, together with the inhabitants of California, might receive assurance of perfect safety to themselves and posterity. To which a reply, dated "Headquarters, San Juan Bautista, July 9th," was received, stating, that in a matter of so much importance, he must consult the governor and assembly of the department; meanwhile, he should spare no sacrifice in the defense of the country under his charge, as long as he could reckon on a single individual to join him in the cause.[32] "On the 9th, Com. Sloat despatched a letter of similar import, by courier, to Don Pio Pico, the governor," but elicited no reply as far as known.[33]

In obedience to Commodore Sloat's orders, Captain Montgomery of the *Portsmouth* on July 8th despatched Lieutenant

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[30] Bancroft, v, 237-238.

[31] For text of the proclamation see "Executive Document," no. 60, pp. 261-262; Cutts, 112-114; Bancroft, v, 234-237.

[32] "Ex. Doc.," no. 60, p. 264; Cutts, "Conquest," 114.

[33] "Executive Document," no. 60, p. 264-265; "Cal. Arch.," Dep. St. Pap., vii, 263-264; Cutts, 115.

Revere with a flag to be hoisted at Sonoma in place of the Bear Flag.[34] He returned on the 11th, and reported having raised the standard of the United States amid great enthusiasm. On Thursday, July 9th, Captain Montgomery landed seventy men at Yerba Buena (San Francisco), and ran up the Stars and Stripes "in front of the custom-house in the public square, with a salute of twenty-one guns from the ship, followed by three hearty cheers on shore and on board . . . after which the proclamation was read in both languages." On the 11th of July Montgomery could write to Sloat that the United States flag was flying, not only at Yerba Buena and over the Bay of San Francisco, but throughout the country north of the bay from Bodega on the ocean coast to Sutter's fort in the Sacramento valley; and that, on account of the protection it promised to persons and property, it had everywhere been hailed with satisfaction.[35]

On July 15th, 1846, the United States frigate *Congress,* Commodore Robert F. Stockton, entered Monterey Bay, where Stockton reported for duty to Sloat. The latter now found himself in such precarious health that he determined to avail himself of a permission given him by the Secretary of the Navy, at his discretion, to assign the command to Stockton. On July 23rd, accordingly, he transferred his authority to the commander of the *Congress,* and on July 29th sailed away in the *Levant* for Washington, where he arrived early in November, 1846.[36] On the same day, July 29th, Commodore Stockton issued a long proclamation to the people of the territory. It sounded much more like similar documents from a Mexican or paisano chief than the plain and modest publication habitual with United States officers. Bancroft, not unjustly, styles it "offensive, impolitic, uncalled-for, inaccurate, and most undignified." [37]

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[34] This put an end to the "California Republic," after an existence of twenty-five days.

[35] Cutts, 116-117; Bancroft, v, 238-240; Hittell, ii, 467-468.

[36] Sloat to Geo. Bancroft, July 31st, 1846, "Ex. Doc.," no. 60, pp. 259; Cutts, 119; Bancroft, v, 251-254; Hittell, ii, 573.

[37] Bancroft, v, 259; Hittell, ii, 582: "Stockton had in many re-

In the meantime, Castro with about one hundred men and Pico with as many more, accompanied by Juan B. Alvarado, continued their retreat to Santa Barbara, where on July 16th, Pico issued the following appeal to the people of California: "Pio Pico, Constitutional Governor of the Department of California, to its inhabitants. Know ye: that, the country being threatened by the sea and land forces of the United States of North America, which occupy the posts of Monterey, Sonoma, San Francisco, and others on the northern frontier of this department, where already waves the banner of the stars, with threats of occupying the other ports and settlements in order to subject them to their laws; and the governor being firmly resolved to make every possible effort to repel this the most unjust aggression of late centuries,[38] undertaken by a nation which is ruled by the most unheard-of ambition,[39] and has formed the project of authorizing the robbery without disguising it with the slightest mark of shame,[40] and only consulting the power held over us because of our political weakness[41]—in the exercise of my constitutional powers, and by virtue of repeated superior orders by which I find myself authorized, I have determined to decree for strict observance the following articles: 1. All Mexican citizens, native and naturalized, residing in this department, are required by duty to defend the country when, as now, the national independence is in danger. Therefore every man without exception, from the age of fifteen to sixty, will present himself armed to the departmental government to defend the just cause.

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spects misrepresented the facts in relation to the position and objects of the United States in the seizure of California, for the purpose of putting Fremont prominently forward." See proclamation in Bancroft, v, 255-257.

[38] Pico forgot his own aggression against the Indian missions.

[39] Pico again overlooked his own ambition and turbulence since 1831.

[40] Pico robbed the missions and Indians, but disguised the purpose.

[41] It was precisely the weakness of the defenseless missions of which Pico and his confederates had taken advantage. Pico should have been the last to blame the Yankees.

GENERAL HENRY W. HALLECK.
(See page 644.)

COMMODORE JOHN D. SLOAT.
(See page 551.)

2. Sub-prefects, through the alcaldes, etc., will at once cause lists of men, their ages, etc., to be formed in each municipality. 3. Without waiting for the formation of these lists, citizens will present themselves immediately. 4. Any Mexican refusing or excusing himself under any pretext will be dealt with as a traitor. 5. Those who are physically unable to serve in person must aid with their property. All will be indemnified by the national government in due time. 6. Subprefects will be held responsible for the strict execution of this decree." [42]

"There were no signs of popular enthusiasm for the cause," says Bancroft. "Subordinate local authorities issued their routine orders in a spirit of apathy. Few inhabitants rendered more implicit obedience than they were obliged to by fear or pride. Many of influence, natives as well as foreigners, were secretly in sympathy with the invaders; others more or less indifferent took the advice of American friends to hold themselves aloof as far as possible from actively engaging in a useless struggle. Many, especially of the lower classes, were very bitter against the Yankees; but of these some realized that their cause was hopeless, and but few had any confidence in the good faith or ability of the leaders. Personally, Pico and Castro succeeded in keeping up at least an appearance of friendly feeling; but among their subordinates there was constant jealousy and quarreling. The militiamen of the south refused to obey any but civic officers, while Castro's men of the north regarded themselves as constituting the 'regular army,' and assumed pretensions accordingly. The inhabitants of the city had organized themselves during Pico's absence into a kind of military body for the defense of the town against Castro, but, though they did not openly revolt now against the authority of the chiefs, it was well understood that they would not fight against foreigners. Recruits for the regular force came in slowly. From outside districts came patriotic sentiments, with regrets that the Indians were troublesome, and no men could be sent. Ranchéros and others contributed horses, arms, and other property

[42] "A. B. Thompson Collection," Bancroft, v, 263.

with evident reluctance and in small quantities. The government had lost its prestige, resources, and credit. In fact, Pico had exhausted all his popularity and power in preparing for the northern campaign against Castro, and had raised less than a hundred men. These were all that he had now in reality under his command, and more than he could properly feed with the public funds at his disposal; but double this number had to be supported, for Castro had brought another hundred, and no funds. All agree that the soldiers had a hard time, being in every respect inadequately provided for. Each part, abajenos and arribenos,[43] thought that partiality was shown to the others; each shifted upon the other the responsibility for the country's critical position; and naturally each constantly diminished in numbers."[44] On August 4th, José Castro with a part of his following established his camp at La Mesa, about one league southeast of Los Angeles, leaving Andrés Pico and Manuel Castro in command of the remainder.[45]

Meanwhile, Stockton with three hundred and sixty marines and seamen had sailed from Monterey on August 1st, and stopped at Santa Barbara to raise the Stars and Stripes. Leaving a small garrison, he continued to San Pedro, where he landed on August 6th. Next day Pablo de la Guerra and José M. Flores presented themselves as commissioners from General Castro with authority to negotiate for a truce, during which Stockton was to keep his forces at San Pedro. Stockton rejected the proposition, unless the Mexicans would raise the United States flag in California. To this the commissioners would not agree. On receipt of the commodore's refusal of a conference, General Castro indignantly rejected the proposal to raise the American flag, and moreover sent a protest to Stockton against the attempt to separate California from

[43] Those below and above, i. e. those in the south and in the north.

[44] Bancroft, v, 265-266.

[45] Castro to Andrés Pico, August 4th, 1846. Pico, "Documentos," ii, 93-94.

Mexico.[46] He then, August 9th, held a council with his officers, and there announced that he would leave California.[47] Notifying Pico of the decision, he wrote: "After having done all in my power to prepare for the defense of the department, and to oppose the invasion of the United States forces by sea and land, I am obliged to-day to make known to you with regret that it is not possible to accomplish either object, because, notwithstanding your efforts to afford me all the aid in your power, I can count on only one hundred men, badly armed, worse supplied, and discontented by reason of the misery they suffer; so that I have reason to fear that not even these few men will fight when the necessity arises." Castro, furthermore, announced his intention to report to the Supreme Government, and invited the governor to accompany him.[48]

Pico laid Castro's communication before the assembly on August 10th. Admitting the impossibility of a successful defense against the ambitious usurper, he solemnly protested against the violent and unjust seizure of this part of the Mexican territory.[49] Under the present circumstances, however, he thought it best to yield, but proposed that the assembly dissolve, in order that the enemy might find not one of the departmental authorities acting. For himself he would depart with the general and report to the National Government.[50]

The members, after each had expressed himself, voted to approve Pico's resolution, and then adjourned. The governor, finally, as Castro had done on the 9th of August, issued

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[46] "Protesta contra toda tentativa para segregar California de Mexico." Castro to Stockton, August 9th, 1846. Olvera, "Documentos," 29-32.

[47] Bancroft, v, 272.

[48] Bancroft, v, 273.

[49] "Protesta contra la toma violenta injusta de este parte del territorio Mexicano."

[50] "Minuta de la sesion de esta fecha, Agosto 10, con referencia á la toma del pais por los Estados Unidos." Olvera, "Documentos," 32-36.

a parting address to the people, in which he denounced the United States, and declared that between ignominy and emigration he chose the latter.[51] It was on the night of August 10th, 1846, that Pico and Castro left Los Angeles, after the latter had disbanded his military force. "By their selfish incompetence and foolish strife in past years," Bancroft concludes, "these men had done much to reduce California to her present unhappy condition, so that she could no longer make even an honorable show of resistance to the invader." [52]

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[51] The second paragraph begins: "Mejicanos! El Gefe de la invasion ha puesto en practica los medios de la seduccion, etc." "Proclama," August 10th, 1846. Pico, "Documentos," ii, 175.

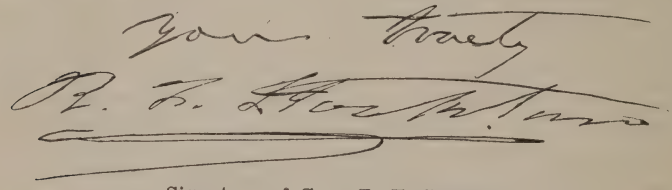
[52] Bancroft, v, 273-276. Hittell, ii, 581-584.

## CHAPTER II.

Los Angeles Occupied by U. S. Troops.—Stockton's Proclamation.—Elections.—First Newspapers in California.—Stockton's Premature Boasting.—Revolt.—Los Angeles and Santa Barbara Cleared of U. S. Troops.—Stockton Takes Action.—Defeat Before Los Angeles.—José Flóres Convokes the Assembly.—He is Elected Governor ad Interim.—Decree Concerning the Mission Property.—Call to Arms by Flóres.—Fremont Marches Towards Los Angeles.—Arrives at Cahuenga.—Stockton Sails for San Pedro and San Diego.—General Kearney Leaves Santa Fe for California.—Hardships on the Way.—At Warner's Ranch.—Encounter with Mexicans at San Pascual.—Heavy Losses.—Awful Condition of the Troops.—Relief.—The Mexicans Retreat.—Kearney Arrives at San Diego.—Dissensions Among the Mexicans.

WHILE the last Mexican governor and the last Mexican military commander were retreating to Old Mexico, Commodore Stockton prepared to take possession of Los Angeles. Leaving one hundred and fifty of his three hundred and sixty marines and soldiers at San Pedro, the commodore began the march on August 11th, 1846. Owing to the fact that the artillery had to be drawn by oxen or by the sailors themselves, two nights were spent on the road. Just outside the city Fremont and A. H. Gillespie on the 13th arrived overland from San Diego with about one hundred and twenty men. Both had come with the Bear Flag battalion to Monterey on July 19th. After the departure of Sloat, Stockton had promoted Fremont to the rank of major and Gillespie to the rank of captain. Fremont and his men had sailed from Monterey in the *Cyane* on July 26th. They had reached San Diego on the 29th, and there raised the United States flag without any opposition whatever. They had left San Diego on August 8th, and joined the commodore in time to take part in the parade which marched into Pico's capital behind a full brass band at about four o'clock in the afternoon of August 13th. The Star Spangled Banner was hoisted

with the usual ceremonies, here, as elsewhere in California, without the slightest demonstration of disapproval on the part of the inhabitants. Although local alcaldes in the territory generally declined to continue in office, Juan Bandini and Santiágo Argüello, members of the late assembly, seeing the



Signature of Com. R. F. Stockton.

uselessness of resisting the American forces, openly espoused the cause of the United States.[1]

On August 17th, Stockton published his second proclamation. In it he announced that the territory now belonged to the United States, and would, as soon as possible, be governed like any other territory of the nation; but meanwhile military law would rule. Liberty of conscience and full protection of life and property were assured to all who submitted to the new government; but no others would be permitted to remain. The battalion of riflemen would remain on duty in order to prevent and punish Indian or other depredations. All persons, as long as martial law lasted, were requested to be within their houses from ten o'clock at night until sunrise. This proclamation was signed "R. F. Stockton, *Commander-in-Chief and Governor of the Territory of California.*" [2]

On August 22nd, Stockton ordered an election to be held in the several towns on September 15th for the purpose of choosing municipal officers.[3] At Monterey seven competitors aspired to the office of alcalde or magistrate. Three hundred and thirty votes were cast out of which the Protestant

[1] Bancroft, v, 246-253; 279-283; Cutts, 120-121; Hittell, ii, 584-585.

[2] "Executive Doc.," no. 60, pp. 266-268; "Cal. Arch.," Dep. St. Pap., San José vi, 349-350; Cutts, 121-123.

[3] "Cal. Arch.," Dep. St. Pap., San José, vi, 342-343, "Ex. Doc.," no. 60, p. 268.

chaplain of the *Congress,* Walter Colton, received sixty-eight. He was accordingly declared duly elected. Here, meanwhile, Dr. Semple of Bear flag fame and Colton published the first newspaper in the territory, "The Californian." The initial number, printed on a discarded press and with type which A. V. Zamorano, Figueroa's secretary, had procured from Mexico about 1834, appeared on Saturday, August 15th, 1846, and thereafter every Saturday until the paper was transferred to San Francisco early in the following year.[4]

At Yerba Buena, likewise an alcalde was chosen on September 15th. Lieutenant Washington A. Bartlett, of the *Portsmouth,* received sixty-six out of the ninety-six votes cast. Here on January 9th, 1847, Samuel Brannan, leader of a colony of Mormon immigrants, issued the first newspaper, a weekly, "The California Star." Bartlett, on January 30th, 1847, and on his own responsibility, published in the said "California Star" an ordinance to the effect that thereafter all official documents should be dated *San Francisco* instead of Yerba Buena. This action gave the name to the city on the bay.[5]

In the meantime, Stockton, rather prematurely deeming the conquest of the territory complete, resolved to withdraw his marines and to devote himself to naval operations on the Mexican coast. He, accordingly, ordered Major Fremont to increase his battalion to three hundred men, to garrison the various towns along the coast, and to meet him at San Francisco on October 25th for final arrangements. Captain Gillespie, with only fifty men and officers, was stationed at Los Angeles for the purpose of maintaining order in the south. Finally, September 2nd, the commodore issued a general order appointing Major Fremont military commander of the terri-

[4] Colton, "Three Years in California," 55; 32-33; Cutts, 125; Bancroft, v, 291-292; 658-659; Hittell, ii, 294; 588-589; 688.

[5] Hittell, ii, 594-597; Bancroft, v, 657-659; 670-674. This was done in spite of the violent protests of Mariano Vallejo and Dr. Semple who intended to establish a metropolis on Carquínez Strait and name it Francisca in honor of Vallejo's wife. Subsequently it was named Benicia.

tory, and then sailed for the north on the *Congress*. Fremont marched in the same direction up the "Camíno Reál."[6]

On August 28th the commodore rather boastfully reported from Los Angeles to the Hon. George Bancroft, Secretary of the Navy: "In less than a month after I assumed the command of the United States force in California, we have chased the Mexican army more than three hundred miles along the coast; pursued them thirty miles in the interior of their own country; routed and dispersed them; and secured the territory to the United States; ended the war; restored peace and harmony among the people; and put a civil government into successful operation."[7] He was soon to be disillusioned.

Owing, it is said, to Captain Gillespie's imprudence or want of tact, an insurrection broke out at Los Angeles only three weeks after Stockton's departure. The revolters, about three hundred or more strong, from their camp at Paredon Blanco, just outside the city, on September 24th, sent forth a proclamation containing a recital of wrongs; a florid appeal to Mexican patriotism; and threats of vengeance against all who would aid the invaders. Captain José M. Flóres, under parole not to serve against the Americans, was chosen comandante-general. José A. Carrillo and Andrés Pico ranked next to Flóres. The Mexican commander forthwith demanded the surrender of Gillespie; but finally offered to permit his company to retire to San Pedro if they would abandon their post in the city. Seeing himself outnumbered ten to one,[8] Gillespie accepted the offer, and marched his men with colors flying and drums beating to the harbor where, October 4th, they embarked on the merchant ship *Vandalia*.

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[6] The public highway first traced and traveled by the missionaries from mission to mission. It is now being lined at intervals by the "Camino Real Bells."

[7] "Ex. Doc.," No. 60, pp. 265-266; Cutts, 120.

[8] Ezekiel Merritt and a dozen men had been despatched to San Diego for the protection of that place. On the approach of Mexican insurgents they withdrew to the whaler Stonington, then in the harbor.

Manuel Garfías with two hundred Mexicans was directed to capture Lieutenant Theodore Talbot and his nine men, whom Fremont had left at Santa Barbara as a garrison. Talbot, however, had been warned, and therefore fled to the Tulares, whence he led his men to Monterey. Thus, the whole southern part of California was again in the hands of the Mexicans. This was the news that reached Stockton at San Francisco by couriers. He at once ordered Captain Mervine of the *Savannah* to proceed to San Pedro. Fremont was summoned from Sacramento. Whilst the latter with one hundred and sixty men marched overland southward from Monterey, Mervine sailed to San Pedro, and arrived there October 6th. He landed three hundred and fifty marines and soldiers, who were joined by Gillespie's little company from the *Vandalia*. Next day the march began towards Los Angeles. As no horses could be procured, no cannon were taken along. The result was that on the eighth the Mexicans, who were mounted, had the advantage. They used their cannon with such effect that Mervine, after suffering a loss of six men killed and as many wounded, found it wiser to retreat to his ship and there await the coming of Stockton.[9]

The Mexicans [10] were much elated over their successes, and thought it time to reorganize the territorial government. Flóres, accordingly, summoned the late assembly to resume its deliberations at Los Angeles. The following members responded on October 26th, 1846: Francisco Figueroa, Narciso Botello, Francisco de la Guerra, and Agustin Olvera. Bandini and Argüello declined to take part. Joaquín Carrillo, a substitute, was therefore sworn in and took his seat. Figueroa acted as president, and Olvera was made secretary. Figueroa in the opening speech congratulated the country on the success of their cause, and then recommended the election of a governor and a military commander to fill the places of Pico and Castro who had fled to Mexico. Flóres was chosen to fill both offices until the Supreme Government should ap-

[9] Cutts, 127-128; 156-158; Bancroft, v, 303-320; Hittell, ii, 598-600.

[10] At this time the Mexicans and paisanos, who fought the Americans, all wanted to be Mexicans. Hence we so designate them.

point permanent officers.[11] Flóres took the oath and made the usual speech on October 31st or November 1st.[12] In the session of October 26th, Botello and De la Guerra were constituted a committee for finding ways and means to prosecute the war. Next day they reported as follows:

"The special committee named in yesterday's session for the purpose of deliberating on the means to be raised for prosecuting the war against the United States of North America, which has invaded this department, and against the troops which are occupying a large part of it, finds that the only resource which the Honorable Body may recommend as safest and available is, under the stress of the present circumstances, the missions.[13] For this reason the committee submits to the resolution of Your Honors the following articles:

"1. The sales of the missions executed by Don Pio Pico as governor, for being altogether beyond his authority, are annulled in every particular.[14]

"2. The Most Excellent Governor ad interim is authorized to solicit a loan to the amount which may be deemed necessary for the purpose indicated stipulating that, to carry out this act in the most equitable and just manner, one or more missions may be mortgaged in order to give the corresponding security.

"3. This property shall continue in the character of leased property, and in charge of lessees who shall have complied with the prescribed conditions contained in the proclamation on the subject.

"4. The lessees who have not complied with the conditions stated in the preceding article, shall not be regarded as having

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[11] Olvera, 39-46. Bancroft Collection.

[12] Bancroft, v, 322.

[13] The committee was prudent, indeed! It was not safe to tax the paisanos, and count on their aid. So, now as before, make the property of the Indians and of the Church, to which those degenerate Christians had contributed nothing, bear the cost!

[14] "Se anulan en todas sus partes las ventas de Misiones hechas por el Sor. Don Pio Pico, como gobernador, y todo lo practicado fuera de sus facultades sobre el mismo asunto."

the right of legitimate lessees, but as illegal possessors. The establishments in consequence are vacant and at the disposition of the government for the object mentioned in article 2.

"5. The missions which are in the condition mentioned in article 3, shall undergo no alteration whatever until the term for which they were leased shall have expired, even if they be among those that are mortgaged. Committee Room, Los Angeles, October 27th, 1846. Narciso Botello, Francisco de la Guerra." This report was approved and adopted by the assembly on October 30th, 1846.[15] Next day Governor J. M. Flóres published the decree, and thus it became a law for a little while and within the district held by the insurgents.[16]

Five days later Flóres issued the following proclamation: "The Governor and Comandante-General ad interim to all the inhabitants. Know ye: This Department finding itself in a state of siege, and martial law in all its rigor in force, conformably to the decrees of the Most Excellent Assembly of the 30th of last month, which in consequence subject all citizens to military authority, and it being indispensable to adopt all the measures necessary for defense, one of which and the most indispensable being to call all the citizens to arms, I have ordered the following articles to be observed:

"1. All Mexican citizens from fifteen to sixty years, shall, at the signal of alarm, present themselves to take up arms at the town hall of their respective districts, where such exists, or to the officials of justice or to the military commanders of the various points as soon as they receive notice.

"2. The signal of alarm will be a cannon-shot and the beating of a drum, or, where this cannot be had, it shall be indicated by the ringing of a bell according to custom.

"3. Every citizen, who at the appointed signal, does not immediately present himself with whatever arms he has to the proper authorities, shall be considered a traitor, and shall be punished with the penalty of death.

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[15] Certified copy in the "Sta. Barb. Arch."; Olvera, "Documentos," 46-49.

[16] "Halleck's Report," Appendix No. 23, p. 167; "Cal. Arch.," Unbound Documents, pp. 360-361. Bancroft Collection.

"4. Those are excepted who by physical impediment are rendered unable to meet at the place appointed in case of alarm.

"5. All rancheros and field-laborers, who, in case of alarm, do not appear at the call of the authorities, or who resist the committees that may be appointed for such purpose, shall have applied to them the penalty designated in article 3.

"In testimony whereof etc. Los Angeles, November 5th, 1846. José M. Flóres. Narciso Botello, Secretary." [17]

While the Mexicans under Flóres were thus preparing to resist the Americans, Fremont, then lieutenant-colonel,[18] left Monterey on November 17th, and made his way down the coast with about five hundred men and four cannon. At Natividad [19] a short engagement took place between Manuel Castro's [20] force of about one hundred men and the American advance guard, which resulted in several dead and wounded on both sides. Continuing, Fremont spent Christmas crossing the Santa Inéz mountains amid great hardship and with the loss of more than a hundred horses. At Santa Barbara Lieutenant Talbot had the satisfaction of again raising the Stars and Stripes on December 27th. After a week's rest here, Fremont's battalion continued the march and arrived at Cahuenga Rancho on January 12th, 1847.[21]

Meanwhile Stockton had sailed from Monterey in the *Congress*, and had reached San Pedro on October 23rd. His force there numbered about eight hundred men, and he might easily have taken Los Angeles; but the Mervine disaster

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[17] Olvera, "Documentos," 54-56.

[18] His appointment by the President of the United States was dated May 27th, 1846. Cutts, 160.

[19] A rancho fifteen miles from Monterey near the Salinas River.

[20] This Castro, like J. Pico with him, and Flóres, Andrés Pico, etc., in the south, had broken his parole. J. Pico was captured, and, as he had forfeited his life, the court-martial sentenced him to be shot. His wife, fourteen children, and other women pleaded so pitifully that Fremont pardoned Pico. José Pico is the same who apprehended Fr. Mercado at Santa Clara, and later shamelessly calumniated him. See p. 424.

[21] Cutts, 159-162; Bancroft, v, 358-376; 399-404; Hittell, ii, 602-603.

had made him cautious. The enemy had driven away every animal so that it would have been exceedingly difficult to transport his artillery, harassed by mounted Mexicans who, he erroneously concluded, numbered eight hundred. He, therefore, decided to attack Los Angeles from San Diego, after procuring the requisite horses and supplies. After landing at San Diego early in November, he had fortifications constructed, and all necessary preparations made for a campaign on the Mexican stronghold. While thus engaged, a messenger arrived with a letter from General Stephen W. Kearney of the United States army, notifying the commodore of his approach. Captain Gillespie with his force was immediately ordered to meet the general and escort him to San Diego.

Kearney with about fifteen hundred men had marched thousand miles from Fort Leavenworth, Kansas, in thirty-four days, and had taken possession of Santa Fe on August 18th, 1846, "without firing a gun or spilling a drop of blood." [22] As soon as he had established a civil government and conciliated the people, he on September 25th set out with three hundred dragoons, as the cavalry were called, for California. His instructions were to the effect that he was to cooperate with the naval forces, and to organize a temporary civil government. Below Socorro, New Mexico, on October 6th, Kit Carson [23] approached in the company of fifteen men, including Fremont's six Delaware Indians, on his way to Washington with despatches from Stockton. Carson brought the news that California had already been conquered and a civil government established. This information induced the general to send back two hundred of his dragoons to Santa Fe, and then he continued the long and hazardous march with only one hundred and twenty-one men including the officers. Two howitzers were borne along with the luggage

[22] Kearney, "Proclamation to the People of New Mexico," August 22nd, 1846. "Ex. Doc." No. 60, pp. 170-171; "Sta. Barb. Arch."

[23] A hunter, trapper, guide through the prairies, and Indian fighter. His real name was Christopher Carson. He was born in Kentucky, and had come west with Fremont.

which was carried by pack-mules. The men, too, were mounted chiefly on mules as more serviceable than horses in the regions through which they were to wander. Carson returned with the little army as guide.

The party all along the route found itself beset with the greatest hardships. The worst suffering came from want of food and water for both men and animals. By the time the junction of the Gila with the Colorado was reached on the evening of November 22nd, many of the animals had broken down and died. Some had been eaten for food, and the rest were in a bad condition. Most of the men trudged along on foot. The general's own horse gave out, and he was obliged to mount a mule. A party of Mexicans in charge of about five hundred horses on their way from California to Sonora was discovered near the Rio Gila. The animals proved unbroken, but most of the dragoons secured a fresh mount. Next day a solitary rider was captured. He proved to be the bearer of messages from Los Angeles to Castro and others. From the documents Kearney learned that, instead of a pacified country, as Stockton had boastfully reported, his worn out company of little more than one hundred men afoot or on jaded animals would find a territory up in arms.

Having forded the Colorado about ten miles below the Gila, on November 25th, Kearney prepared to cross the waterless desert of ninety miles. By the 28th the wanderers had passed it and reached a spring; but "many animals," Emory writes, "were left on the road to die of thirst and hunger, in spite of the generous efforts of the men to bring them to the spring. More than one was brought up by one man tugging at the halter and another pushing up the brute by placing his shoulder against its buttocks. . . . The grass at the spring was anything but desirable for our horses, and there was scarcely a ration left for the men. . . . We rode for miles through thickets of the centennial plant. The sharp thorns were a great annoyance to our dismounted and wearied men whose legs were now almost bare. The day was intensely hot, and the sand deep. It was a feast day for the wolves, which followed in packs close on our track, seizing

our deserted brutes and making the air resound with their howls as they battled for the carcasses. A horse was killed for food, which was eaten with great appetite."

Passing the deserted Indian village of San Felipe, after nine miles they reached the summit of the mountains. "We are still to look for the glowing pictures drawn of California," Emory exclaims on December 1st. "As yet, barrenness and desolation hold their reign. We longed to stumble upon the rancherías with their flocks of fat sheep and cattle. Meat of horses may be very palatable when fat, but ours are poor and tough, and it is hard to satisfy the cravings of hunger with such indifferent food." [24] At length, on the second of December, the company arrived at Warner's Ranch, or Agua Caliente, where for two days they could satisfy their hunger and refresh their animals. Some dragoons also obtained fresh horses. It was from here that Kearney notified Stockton of his approach. Beyond Stokes' Ranchería, over fifteen miles from Warner's Ranch, and forty miles from the port, Captain Gillespie's party of thirty-nine men joined the general on the fifth.

It was also learned here that a force of the so-called Californians and Mexicans had pitched their camp at the Indian pueblo of San Pascual, on San Bernardo Creek, three leagues beyond towards San Diego. Their number Stockton reported to be one hundred and fifty men.[25] General Kearney, including the Gillespie contingent, had one hundred and sixty-three soldiers. In his letter to the general Stockton suggested sur-

[24] Lieutenant W. H. Emory, "Notes of a Military Reconnaissance," pp. 103-105. Washington, 1848.

[25] "I have this evening received information by two deserters from the rebel camp of the arrival of an additional force of 100 men, which, in addition to the force previously here, makes their number about 150," wrote Stockton on the 3rd. This was probably the number Andrés Pico had, though he claimed only eighty. "He dispuesto que con cien hombres y una pieza ligera marche Ud. para la Mision de San Luis Rey á fin de cortar la retirada á una fuerza enemiga (i. e. Gillespie's), que he tenido noticias salió de San Diego con rumbo para Santa Isabél." Order of Flóres to Andrés Pico, November 22nd, 1846. Pico, "Documentos," ii, 101-103. This would seem to show that Pico had at least a hundred men.

prising the foe. This Kearney proposed to do in order to clear the passage to the port. Leaving nearly half of his force to come up later with the pack-mules and luggage, he ordered the call to horse at two o'clock in the morning of December 6th. The weather, as on the previous day, was cold and rainy. The men were benumbed and fatigued.[26] Captain A. R. Johnson with twelve dragoons on half-broken horses composed the advance-guard. General Kearney with Lieutenants Emory and W. H. Warner and four or five dragoons rode closely behind. Next, some distance back, came Captain B. D. Moore and Lieutenant T. C. Hammond with fifty dragoons mounted, with few exceptions, on jaded mules which they had ridden all the way from Santa Fe, 1050 miles. Then followed captains Gillespie and Gibson with about twenty volunteers. These troops, about ninety in all, were engaged in the subsequent battle, but not all at the same time, which must not be overlooked. A detachment of dragoons with two howitzers formed the rear, but at no time could they take part in the short engagement.

After riding nine miles, the advance-guard came upon the Mexican camp; but the commander[27] and his force of skilful riders on fresh and trained steeds, having been warned, were on the alert. Under the circumstances it would have been wise to await the arrival of the main body; but, imbued with the idea, which was confirmed by Kit Carson, that the Californians could not be brought to bay,[28] Johnson madly rushed forward with his small detachment. It is quite probable that, if Kearney's ninety men had made the attack, Pico's eighty, or even hundred and fifty, expert riders, would have turned and fled; but, seeing only a score of horsemen coming headlong towards them, Pico's troops observed the advantage and

[26] "The animals were either stiff and worn out by their long journey, or partially unbroken and unmanageable; while the men's clothing was soaked by the night's drizzling rain, and the cold was now intense." Bancroft, v, 344.

[27] Andrés Pico, who had broken his parole not to fight against the Americans.

[28] Such had been the experience with the Castros, Alvarados, etc., who displayed great courage fighting unarmed priests.

little danger, and therefore resolved to stand. When Johnson approached near enough, they fired a volley which killed that officer, and badly wounded a dragoon. Then the Californians used their long, formidable lances against which the sabre of the soldiers was no match. In the hand-to-hand encounter the small detachment must have been annihilated; but Moore with his fifty men on stiff mules approached. This caused the Mexicans to retreat. Seeing the enemy fly, Captain Moore incautiously pursued in hot haste followed by his men as well as they could in a long irregular line. After galloping away for half a mile, and observing the disorderly line of the Americans, Andrés Pico wheeled about with his eighty or more men, and fell upon the imprudent Americans to mow them down one by one. "The conflict, though brief, was terrible. Kearney's men derived but slight benefit from their fire-arms, either because the rain had rendered them useless, or because most of them had been discharged at long range upon the flying foe. It was sabre against lance—sabres and clubbed guns in the hands of dragoons and volunteers mounted on stupid mules or half-broken horses against lances, the enemy's favorite weapons, in the hands of the world's most skilful horsemen. The Americans fought with desperate valor against heavy odds and with fearful loss of life; and they stood their ground. For ten minutes, perhaps less, the hand-to-hand conflict raged; and then, when the two howitzers had been brought up, the Californians again fled. The mules attached to one of the howitzers took fright, however, and dashed wildly after the enemy, who captured the gun and killed the man in charge of it." [29]

The Americans camped on the battle-ground. General Kearney reported nineteen dead [30] and fifteen wounded.[31]

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[29] Bancroft, v, 345-346.

[30] Three captains, two sergeants, two corporals, eleven privates, and one man of the topographical engineers.

[31] General Kearney two wounds from lances; two captains and one lieutenant each with three lance wounds; one sergeant, one bugleman, and nine privates with from two to ten lance wounds. Kearney's Report, December 13th, 1846, in Cutts, 199-201.

The loss of the Mexicans is not known. It was said that a dozen of them had been wounded. Andrés Pico denied that he had any wounded when Dr. J. S. Griffin, who was with the Americans, generously offered his services. Pico either lied or unwittingly emphasized the cowardice displayed in running away when all the advantages were on the side of the Californians. How it is possible for them to claim a victory over the Americans, and how Bancroft can speak of a victory for the Pico company, is more than we can understand. Had the Californians possessed half the bravery evinced by the Americans on that occasion, they could have exterminated Kearney's whole command. Instead of this, they stood just about five minutes, and then, observing that despite all the drawbacks the Americans were capable of hurting some of those with the long lances, the latter ingloriously took to flight!

While the wounds of the injured were dressed, and ambulances prepared for their transportation, the bodies of the dead were collected and under cover of the following night temporarily buried beneath a willow tree.[32]

On December 7th Emory writes: "Day dawned on the most tattered and ill-fed detachment of men that ever the United States mustered under her colors. Our provisions were exhausted, our horses dead, our mules on their last legs, and our men, now reduced to one-third of their number, were ragged, worn down by fatigue, and emaciated."[33] The general, just able to mount his horse, resumed command and gave the order to march. The enemy's pickets and a portion of his force were seen in front, but they retired as the Americans advanced. Late in the afternoon the rancho of San Bernardo was reached. A mile below, near the Rio San

[32] "The remains were subsequently removed to Old San Diego, where I saw rude boards in honor of their memory in 1874." Bancroft, v, 346. Flóres in the name of La Patria and of the Supreme Government thanked Andrés Pico and his men for their "brilliant action," and notified him that eighty men and a cannon were being sent to reinforce his command. Flóres to A. Pico, no date. Pico, "Documentos," ii, 111-112.

[33] Emory, "Notes," p. 109.

Bernardo, the Mexicans occupied a hill which had to be passed. They were soon driven away without loss to the Americans. For the sake of the wounded, Kearney resolved to await reenforcements here. Holes were bored for water, fortunately with success, and some of the mules killed for food. Navy Lieutenant E. F. Beale, who had come up with Gillespie, Kit Carson, and a Delaware Indian volunteered to call assistance from San Diego, still twenty-nine miles distant. It was a most perilous expedition, as the enemy occupied all the passes and would be on the alert. Throwing off their shoes to avoid making noise, the three started out at night, crawled stealthily through the lines of the Mexicans, and succeeded in reaching the fort, but "haggard from hunger, thirst, and want of sleep, and with feet torn and bleeding from passing in the dark over sharp rocks and thorny shrubs." Stockton immediately despatched two hundred men under Lieutenant Gray for the relief of Kearney's party. They reached the sufferers before dawn on December 11th. When the sun rose the enemy had disappeared. The march to San Diego was then resumed, and the port made next day late in the afternoon.[34]

Instead of hovering about the Americans, seeking opportunities to annoy them, driving off their animals and otherwise impeding their laborious march, in accordance with general orders, Andrés Pico, though reenforced by Captain Cota, simply withdrew and reported to Flóres that, for want of horses, he could not prevent Kearney's march. "This was not a brilliant ending for the campaign," Bancroft writes; and he intimates that disaffection among the Mexicans had much to do with it.[35]

As might have been expected, the revolting Californians and Mexicans sustained their reputation for selfishness and dissensions, and therefore things failed to run smoothly. Whether anything was realized on the confiscated mission

[34] Emory, "Notes," 108-112; Cutts, 174; 195-201; Bancroft, v, 340-355; Hittell, ii, 613-616; V. M. Porter, "General Stephen W. Kearney," 1-21. Los Angeles, 1911.

[35] Bancroft, v, 351-352.

property is not clear; but Governor Flóres was a Mexican from Old Mexico. Some thought a Mexican born in California ought to lead the forces. There were other troubles. As we have learned from the examples of Alvarado and Mariano Vallejo, if no real grounds for complaints existed, they would be invented. The most absurd charges would be leveled at those in the way or who had incurred displeasure. The missionaries could have given numberless instances that caused them endless pain. So it would have been strange if Flóres had escaped the jealousy of his partisans. Among other things it was claimed that he was preparing to run away to Sonora with the public funds, though no such funds existed. Then a Francisco Rio with others had a grievance. He actually imprisoned Governor Flóres on December 3rd, 1846, at Los Angeles. After two days the assembly declared Flóres innocent, and reinstated him as governor and military commander.[36]

Next, Andrés Pico was disposed to ignore the orders of Flóres, and apparently would not cooperate with Captain Cota. In a letter of December 17th, addressed to Cota, Flóres complains of this disobedience, and points out the disastrous consequences.[37] Under such circumstances, successful operations against the invaders were out of the question, even if supplies had been plentiful; but "it was wellnigh impossible to obtain supplies," Bancroft says. "The ranchéros concealed their horses to prevent their seizure. There was no powder except the poor stuff made at San Gabriel. Men of the better class were convinced that there was no hope of successful resistance."[38]

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[36] Bancroft, v, 331-334.

[37] Olvera, "Documentos," 60-63.

[38] Bancroft, v, 355.

## CHAPTER III.

The Americans March to Los Angeles.—Stockton Offers Amnesty.—Battles on the Rio San Gabriel and at La Mesa.—Flóres and Manuel Castro Retire to Sonora.—Surrender of the Californians.—Joint Proclamation of Commodore Shubrick and General Kearney.—Fremont Courtmartialed.—Kearney's Proclamation.—Peace.—Emory's Views on Mission Ownership.—Attitude of the U. S. Officers.—Kearney's Proclamation Regarding Mission Property.—Colonel Mason Succeeds Kearney as Governor.—General Order on Mission Property.—Another Order Concerning the Missions of Santa Clara and San José.—Mason Pleased With Fr. José Reál.—The Governor to Fr. Reál and Captain Naglee.—Fr. Reál Forbidden to Sell Mission Land.—Mission Buildings Not Ruined by U. S. Troops.—The Mormon Battalion.—Quartered at San Luis Rey.—Mormon Fidelity.—Mason Desirous to Have Them Reenlist.—Warning Against Depredations.—Good Example of the Mormons.

THE American troops at San Diego had meanwhile recuperated, and were ready for the march to Los Angeles. The men, six hundred strong, with General Kearney in command under Commodore Stockton as commander-in-Chief, started out on December 29th, 1846. "Our troops," Stockton reported, "were badly clothed, and their shoes generally made by themselves out of canvas. It was very cold and the roads heavy. Our animals were all poor and weak, some of them giving out daily, which gave much hard work to the men in dragging the heavy carts, loaded with ammunition and provisions, through deep sands and up steep ascents; but the men went through the whole march of one hundred and forty-five miles with alacrity and cheerfulness." [1]

Beyond Las Flóres, not far from Mission San Luis Rey, three men appeared under a flag of truce. They had been sent by Governor Flóres to ask for a suspension of hostilities for the purpose of avoiding useless spilling of blood. Stockton peremptorily refused to enter into negotiations with a

[1] Cutts, 130; Emory, 115-117; Bancroft, v, 386.

man who had broken his parole, and who would be shot as soon as he was captured.[2] Next day, January 5th, 1847, at San Juan Capistrano Stockton issued a proclamation offering a general amnesty to all Californians who would submit, except Flóres.[3] On January 8th the Americans reached the Rio San Gabriel. The Mexicans, who were equally as strong in numbers and well mounted, while the United States forces were afoot,[4] tried to prevent the passage of the river, but were driven off. The engagement figures in descriptions of the affair as the Battle of San Gabriel River.[5]

Next day the march to Los Angeles was resumed. The route lay across the tableland south of the city, and called La Mesa. Here the Mexicans once more attacked the Americans, but were repulsed. The loss to the Americans in both encounters together amounted to one killed and thirteen wounded. The way to the city was now free, and the United States forces triumphantly marched into it about noon on Sunday, January 10th; and Captain Gillespie again raised the Stars and Stripes over the quarters he had been obliged to vacate on September 30th.[6]

Seeing the uselessness of further resistance to the Americans, Flóres, in a letter dated Los Verdugos, January 11th, 1847, formally transferred the military command of the insurgents to Captain Andrés Pico. With Manuel Castro, half-dozen officers, and about thirty privates he then set out for Sonora. Most of the revolters had already dispersed, and the remnant of little more than one hundred men surrendered to Fremont in the Cahuenga region on January 13th, 1847. By the terms of the capitulation the insurgents led by Andrés Pico were pardoned for all past hostilities, and free to depart

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[2] Olvera, "Documentos," 72-74; Cutts, 131-132; Emory, 117.

[3] Olvera, "Documentos," 75.

[4] "We had no cavalry." Emory, 119.

[5] Emory, 119-120; Cutts, 130; 202.

[6] Emory, 120-122; Cutts, 130; 202-206; Bancroft, v, 385-398; Hittell, ii, 619-622.

for their homes, after promising not to take up arms against the United States.[7]

On January 22nd, 1847, the *Independence,* Commodore W. B. Shubrick, arrived at Monterey. In virtue of his rank, he took charge of the naval forces, whilst General Kearney assumed command of the land forces. On March 1st, both announced the following General Order, which speaks for itself: "To all whom it may concern, be it known—That the President of the United States, desirous to give and secure to the people of California a share of the good government and happy civil organization enjoyed by the people of the United States, and to protect them at the same time from attacks of foreign foes, and from internal commotions, has invested the undersigned with separate and distinct powers, civil and military; a cordial cooperation in the exercise of which, it is hoped and believed, will have the happy results desired.

"To the commander-in-chief of the naval forces, the President has assigned the regulation of the import trade, with conditions on which vessels of all nations (our own as well as foreign) may be admitted into the ports of the territory, and the establishment of all port regulations.

"To the commanding military officer, the President has assigned the direction of the operations on land, and has invested him with administrative functions of government over the people and territory occupied by the forces of the United States. Done at Monterey, Capital of California, this 1st Day of March, A. D. 1847.—W. Brandford Shubrick, *Commander-in-Chief of the Naval Forces.*—S. W. Kearney, *Brig. Gen. U. S. A. and Governor of California.*" [8]

This eliminated both Fremont and Stockton, who had refused to recognize Kearney's appointment as governor of California, sent to the general by the President before he reached the territory. Fremont was later courtmartialed and

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[7] Olvera, "Documentos," 76; 78-81; Bancroft, v, 402-409; Cutts, 133-137; Hittell, ii, 622-623; Emory, 123.

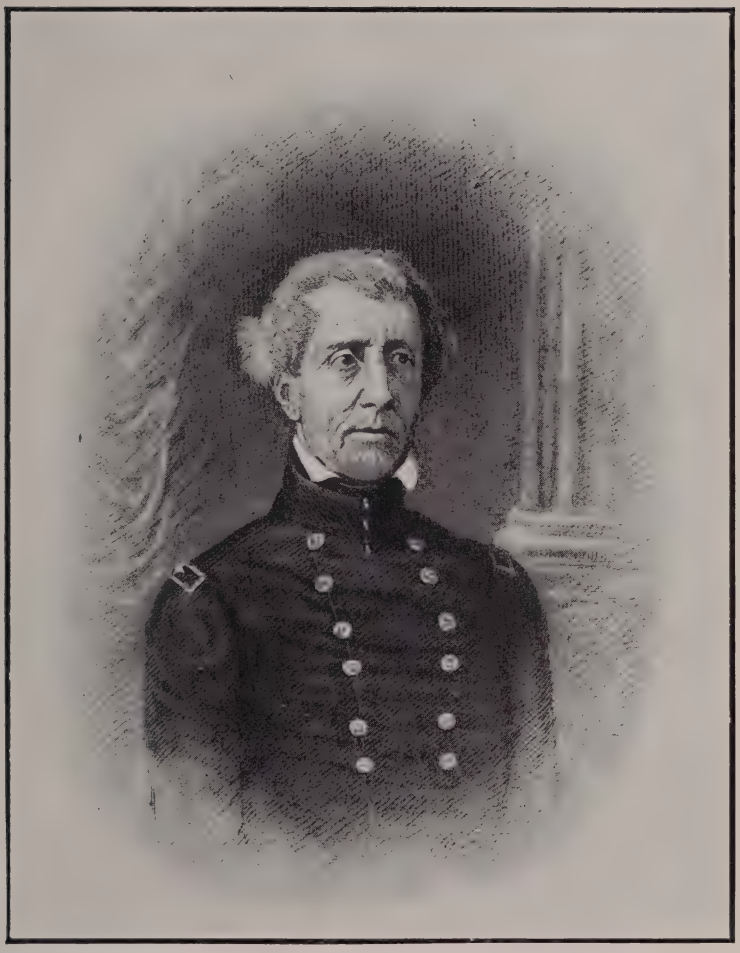
[8] "California and New Mexico," Exec. Doc. No. 17, pp. 288; Cutts, 137-139; 259; Bancroft, v, 428; 437-438; Hittell, ii, 629-631.

found guilty of 1. Mutiny. 2. Disobelience of Orders. 3. Conduct Prejudicial to Good Order and Discipline. The court, on January 31st, 1848, pronounced the verdict of "guilty" on all the charges, and sentenced the accused to be dismissed from the service. President James K. Polk passed on the court's decision as follows: "Upon an inspection of the record, I am not satisfied that the facts proved in this case constitute the military crime of 'mutiny.' I am of opinion that the second and third charges are sustained by the proof, and that the conviction upon these charges warrants the sentence of the court. The sentence of the court is therefore approved; but, in consideration of the peculiar circumstances of the case, of the previous meritorious and valuable services of Lieutenant-Colonel Fremont, and of the foregoing recommendations of a majority of the members of the court, the penalty of dismissal from the service is remitted. Lieutenant-Colonel Fremont will accordingly be released from arrest, will resume his sword, and report for duty.—James K. Polk." [9]

On the same day Kearney, as governor of California, issued a Proclamation to the people of the territory. The second paragraph, which concerns our subject especially, reads as follows: "The undersigned is instructed by the President of the United States to respect and protect the religious institutions of California, to take care that the religious rights of its inhabitants are secured in the most ample manner, since the Constitution of the United States allows to every individual the privilege of worshiping his Creator in whatever manner his conscience may dictate.[10] . . . Given at Monterey, Capital of California, this 1st day of March, of the year of our Lord, 1847, and of the Independence of the United

[9] Bigelow, "Memoir of J. C. Fremont," 224; 316-317; Bancroft, v, 411-462; Hittell, ii, 639-641; Porter, "S. W. Kearney," 29-34.

[10] How different from Carranza, who with Villa (July 1914) declares he will persecute the Catholic Church and her clergy. For the disciple of Voltaire, and leading member in the "Sect" that has throttled Mexico for the last ninety years, pretexts are readily found.



S. W. Kearny

(GENERAL STEPHEN W. KEARNY.)

States the 71st. S. W. Kearney, Brigadier-General U. S. A., and Governor of California." [11]

Two weeks later Kearney reported to the Government at Washington: "The Californians are now quiet, and I shall endeavor to keep them so by mild and gentle treatment. Had they received such treatment from the time our flag was hoisted here in July last, I believe there would have been but little or no resistance on their part. They have been most cruelly and shamefully abused by our own people—by the volunteers raised in this part of the country and on the Sacramento.[12] Had they not resisted, they would have been unworthy the name of men." [13]

"It soon became apparent to the new rulers of California," says Bancroft, "that there was room for much doubt respecting the true ownership of the mission estates." [14] The first to give expression to such doubt was Major W. H. Emory, who accompanied General Kearney to San Diego. On the way from that port to Los Angeles, among other entries in his diary or "Notes," he on January 2nd remarks: "Six and a half miles march (from Buena Vista) brought us to the deserted mission of San Luis Rey. . . . This building is one which, for magnitude, convenience, and durability of architecture, would do honor to any country. . . . The missionaries at one time bid fair to Christianize the Indians of California. . . . They collected them into missions, built immense houses, and commenced successfully to till the soil by the hands of the Indians for the benefit of the Indians. . . . The revolution of 1836 saw the downfall of the priests, and most of these missions passed by fraud into the hands of private individuals, and with them the Indians were transferred as serfs of the land. . . . For negligence or refusal to work, the lash is freely applied, and in

[11] "Exec. Doc.," no. 17, pp. 288-289; Cutts, 209-211; Bancroft, v, 438-439.

[12] by Fremont, some of whose men were stationed at Los Angeles under the command of the haughty Gillespie.

[13] Bancroft, v, 439-440.

[14] Bancroft, v, 564.

many instances life has been taken by the Californians without being held accountable by the laws of the land.

"This mission of San Luis Rey was, until the invasion of California by the Americans, in 1846, considered as public property. Just before that event took place, a sale was made of it for a small consideration, by the Mexican authorities,[15] to some of their own people, who felt their power passing away, and wished to turn an *honest penny*[16] whilst their power was left; but this sale was undoubtedly fraudulent, and will, I trust, not be acknowledged by the American Government. Many other missions have been transferred in the same way."[17]

What views the higher United States officers held respecting mission ownership, may be inferred from the love of fairness inherent in the American character, and which, as a rule, controls army and navy officers. There is also observable an inborn reverence among them for houses of worship. Such atrocities, therefore; such profanation of churches and sacred vessels; such brutalities against priests and nuns as the Carranzistas and Villistas at present perpetrate in Mexico, would be impossible at the hands of officers and soldiers of the regular army with the approval of the government of the United States.[18] Nor was anything of the kind committed in 1846-1847 by the American armies in either Mexico or California. However, there is documentary evidence of what took place in the territory on the Pacific Coast; and this it is a pleasure to reproduce.

Three weeks after publishing his proclamation to the people of California, General Kearney issued the following order:

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[15] By Pio Pico on May 18th, 1846. Mexico forbade such sale.

[16] Italics are Emory's.

[17] "The Mission of San Juan (Capistrano) has passed into the hands of the Pico family," Emory writes January 5th. "Notes," 116-118. Emory became major-general of volunteers in the Civil War, and died in 1887.

[18] We are aware that Catholic churches in the Philippines were looted by men who wore the U. S. uniform; but they were volunteers, many of whom had been recruited from the rabble. Nor were their deeds applauded.

"Know all men by these presents that I, Brigadier-General Stephen W. Kearney, Governor of California, by virtue of authority in me vested, considering that, inasmuch as there are various claimants to the missions of San José, Santa Clara, Santa Cruz, and San Juan Bautista, to the houses, grounds, gardens, vineyards, etc., around and near them, do hereby decree that until the proper judicial tribunals, to be established, shall decide upon the same, the above named missions and property appertaining thereto shall remain under the charge of the Catholic priests, as they were when the United States flag was first raised in this territory—it being understood that this decree is not to affect the rights of any claimants, and that the priests are to be responsible for the preservation of said missions and property whilst under their charge. The alcaldes of the jurisdictions in which the above-named missions are situated will, upon the applications of the priests, take the proper measures to remove therefrom all persons trespassing or intruding upon them.—Given at Monterey, Capital of California, this 22nd day of March, 1847. S. W. Kearney, Brigadier-General and Governor of California." [19]

On May 31st, 1847, General Kearney delivered the government of California to Colonel Richard B. Mason, who had arrived at Monterey on February 12th, and then started out on his return to the east.[20] Three weeks later Governor Mason sent out the following order: "To all whom it may concern: All persons occupying any of the mission buildings at Santa Clara and San José without the permission of the Catholic priest (Padre Reál), are hereby required to vacate said buildings immediately. Ample and sufficient time has been afforded the occupants of the aforementioned mission buildings to seek other places of abode since the decree of General Kearney, concerning said missions, dated March 22nd, 1847.

"The alcalde at the Pueblo of San José will take measures

[19] "Cal. Arch.," Dep. St. Pap., San José, vi, 341; "Halleck's Report," Appendix No. 24, p. 168; p. 291; "Archb. Arch.," no. 2341.

[20] Cutts, 213.

—if rendered necessary by the said occupants continuing to remain in the mission buildings—to carry said decree of the 22nd March into effect, as the latter clause thereof directs. If required, a military force will be sent to the pueblo to enforce the judicial acts of the alcalde.

"Done at Monterey, the Capital of California, this 24th day of June, 1847, and the 71st of the Independence of the United States.—R. B. Mason, Colonel 1st Dragoons, Governor of California." [21]

As evidence of his determination, Governor Mason addressed the following communication to the respective military officer: "Headquarters, Tenth Military Department, Monterey, California, July 10th, 1847.—Sir: By the decree of General Kearney of the 22nd March last, and my public notice of the 24th June (both herewith enclosed), you will see that certain persons have been required to vacate the mission buildings at Santa Clara and San José. These persons, emigrants from the United States, hold possession of some of the buildings contrary to the consent of the Catholic priest, and have much damaged and injured the premises, as I know from personal observation. At San José so entirely are the emigrants in possession, to the exclusion of the priest, that when he visits that mission upon duties connected with his Church he has not even one room at his disposal.

"I desire that you proceed to the Pueblo de San José with your command, and offer any assistance to the alcalde at that place that he may require to eject the aforesaid occupants from the mission buildings at Santa Clara and San José, who are in the occupancy of them without permission of the Catholic priest, Padre Reál.

"If the alcalde does not act promptly and efficiently in this matter, then you must remove the intruders yourself. Use mild and persuasive means to induce them to vacate the premises before resorting to force. Say to those people they have no right whatever to dispossess the priest, and occupy those missions contrary to his consent, any more than they have to dispossess the rancheros and occupy their ranches;

[21] "Cal. Arch.," Dep. St. Pap., San José vi, 340; "Halleck's Report," or "Exec. Doc.," no. 17, p. 334.

that they must respect the rights of others before they can claim any for their own; that we are bound to protect, and will protect, the priests in the quiet possession of the missions of Santa Clara and San José, and not suffer their premises to be wrested from them even by Californians, much less by a people who have just come into the country, who have not a shadow of claim to the premises, and who, in the first place, were permitted from motives of charity to occupy them temporarily, to shield them from the last winter's rains. —R. B. Mason, Colonel 1st Dragoons, Commanding.—Captain H. M. Naglee, 7th New York Volunteers, Present." [22]

"Headquarters, Monterey, California, July 11th, 1847.—Sir: Since writing my letter of instructions of yesterday's date, I have seen Padre Reál, the Catholic priest of the missions of Santa Clara and San José. I proposed to him that he should permit the occupants of the said missions to remain in them until they harvested their crop, and until they could procure shelter elsewhere. This he has consented to do. He further consented for them to remain for a longer time, if they desire to do so (say another year), provided they will further agree to pay something in the way of rent for the benefit of the church—this to be a matter of special agreement between themselves and the priest.

"I am much pleased that the padre has given this consent; for it has spared me the performance of a very disagreeable and unpleasant duty—one that he has heretofore insisted on my performing. I am sure the occupants of the missions cannot fail to see the propriety of paying something to the priest for the benefit of his church, if they wish to continue another year in the missions. All this you will communicate to them, and not to carry into execution your instructions for removing them.

"Take some good position in the vicinity of Santa Clara, where your horses can have plenty to eat; and let the people know that you have come there for the purpose of seeing what is going on, and to sustain the civil magistrates in the execution of the laws, if it becomes necessary. I am told you are going into a bad neighborhood; it will therefore be neces-

[22] "Halleck's Report," 340-341.

sary that you keep up a good discipline and a close watch upon your horses, lest they be stolen.—R. B. Mason, etc.—Capt. Naglee, etc." [23]

"Headquarters Tenth Military Department, Monterey, California, July 12th, 1847.—Reverend Sir: I have the honor to acknowledge the receipt of your two letters, both of the 14th June, together with their accompanying papers. The account for loss of property at the missions of Santa Clara and San José I will lay before such commission as may be appointed by the United States Government to adjudicate and pay off the various claims in California against the United States. I very much regret to learn that those missions have suffered so great a loss.

"You having called my attention to the non-observance of General Kearney's decree of the 22nd March, I had prepared instructions for Captain Naglee's command, which left here for the pueblo yesterday, to cause that decree to be enforced; but I changed my instructions in consequence of the understanding I had with you through Mr. Hartnell,[24] the official interpreter. I send you a copy of the instructions above mentioned as changed, by which you will see that if the occupants of the missions of Santa Clara and San José remain longer than is necessary to gather their crops, it must be by a special agreement with yourself.

"I am, Sir, with high respect and esteem, your obedient servant,[25] R. B. Mason, etc.—To the Rev. Father José Maria del Reál, now in Monterey, California." [26]

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[23] "Halleck's Report," 341-342.

[24] William Edward Petty Hartnell was appointed "translator and interpreter of the Spanish language for the governor and military commander of California" by General Kearney on March 10th, 1847, at a salary of fifteen hundred dollars a year. "Halleck's Report," 290-291.

[25] In such and similar respectful terms Mason, Halleck, and others always addressed the priests; whereas in the case of others it was simply "your obedient servant," or "respectfully, your obedient servant." Mason and Halleck not only proved real statesmen, but real gentlemen.

[26] "Halleck's Report," p. 334.

"Headquarters etc., Monterey, Cal., July 19th, 1847.—Sir: I have received, last evening, your letter of the 17th. The priest consented that the people at the missions should remain until they harvested their crops, and could procure shelter elsewhere, they to make use of reasonable exertions to do so. *When they have* harvested and secured their crops, they *will then* have to remove from the mission and mission land, unless they obtain the sanction of the priest to remain.

"The United States Government fully recognizes and will sustain the rights of the priests at the missions, and to all mission property, against all those who cannot, in due course of law, show a just and sound title, and my instructions from the President require me to sustain him.

"Show this letter and your instructions of the 11th instant to the occupants of the mission. R. B. Mason, etc.—Captain H. M. Naglee, etc." [27]

Nor would the governor permit even the missionary, though he acted in good faith, and doubtless in the interest of the church or of the Indians, to dispose of any property belonging to the missions. Thus, when in November, 1847, it was reported that the priest of Mission Santa Clara, Fr. José Reál, was selling lands of said mission, Mason promptly, November 16th, addressed the following note to him: "Among the papers which from time to time I have received from Your Reverence, I cannot find any one which conveys to you the right to sell any part or portion of mission lands. I was under the impression that Your Reverence informed me, when I last had the pleasure of seeing you at this place, that you had furnished me with a copy of such paper; but I cannot find it.

"The title given by Micheltorena, dated June 10th, 1844, expressly prohibits the sale, etc. Will Your Reverence be pleased to inform me if the Mexican Government ever confirmed that title; and, if it did, be pleased to furnish me, if in your power, with a copy of such confirmation, together with a copy of the authority which invests you with the

[27] "Halleck's Report," p. 343. The italics are Mason's.

power to sell. I am, Reverend Father, your obedient servant, R. B. Mason, etc." [28]

Again on December 23rd, 1847, Governor Mason writes to Fr. José Reál: "I beg leave to remind Your Reverence that I have not received the document you hold, which you informed me authorized you to sell the mission lands, and which you were to send me. Upon examining such laws as are within my reach, I find them so particular in forbidding the sale of mission lands, that I fear you labor under some misapprehension as to the legal powers you possess to sell those lands. I hope to be favored by the return of mail with the document you promised to furnish me." [29]

On January 3rd, 1848, Governor Mason closed the matter with this communication to Fr. Reál: "I have the honor to acknowledge the receipt of your letter of the 29th December, and its accompanying document, purporting to give you authority to sell mission lands, bearing date of May 25th and June 16th, 1846, signed by José Castro, and addressed to yourself. This document certainly could give you no authority to sell any part of the mission lands after the 7th of July, 1846, the day on which the United States flag was hoisted in California, if indeed it could have conferred such authority before. Since that date, the mission lands can only be disposed of by virtue of authority from the United States Government. I am therefore obliged to declare, and do hereby declare, all sales of any part of the mission lands made by Your Reverence to be alleged null and void; and that the purchasers of such lands hold no legal title to them whatever, by virtue of any sale made by Your Reverence." [30]

Notwithstanding this attitude of the United States officials toward the mission property, it has been said that much of

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[28] "Halleck's Report," pp. 429-430. Fr. Reál is one of the friars that incurred paisano wrath, which Bancroft repeats. Had Fr. Reál been the low creature they depict him, Mason and Halleck must have known. In that case neither would have treated him with such deference and respect.

[29] "Halleck's Report," 448.

[30] "Halleck's Report," pp. 168; 453.

the ruin visible in the mission buildings was due to vandalism on the part of American troops. This is not probable as far as the regular army is concerned. Nor is there any complaint on record from any priest, save in the case of San Diego, which with other particulars will be found in the next volume. Other troops, however, arrived from the Eastern States shortly after the coming of General Kearney, whose presence in southern California must be explained on account of the documents to be quoted presently.

During the month of July, 1846, about five hundred men were recruited in Missouri for one year's service in California, and formed in a battalion at Council Bluffs, Iowa. It was known as the Mormon Battalion, because all the recruits belonged to what they called the Church of Christ of the Latter Day Saints. This body of volunteers, in command of Captain James Allen, U. S. A., set out from Council Bluffs in the month of August, and reached Santa Fe before the middle of October, 1846. On the 19th of the same month, then reduced to three hundred and forty and in charge of Lieutenant-Colonel George Cooke, U. S. A., they moved out of Santa Fe, and finally arrived at San Diego on January 29th, 1847, three weeks after General Kearney had reached the port with his ragged and emaciated company.[31]

"On the 1st of February, 1847," writes their chronicler, Daniel Tyler, "the battalion took up the line of march for San Luis Rey, where we arrived about noon on the 3rd. On the 4th, about eighty men were detailed as police to clear up the square and quarters and make necessary repairs, which was done in good order, making everything look cheerful and respectable as our dirt floors would permit. The public square of the mission, with a large adobe Catholic Church and a row of minor buildings forming the outside wall, contained about four acres of ground, with orange and other tropical trees in the center. The olive, pepper, orange, fig and many other varieties of semi-tropical fruit and ornamental trees grew in the garden. There was also a large reservoir,

[31] Cutts, 69; 209; Tyler, "A Concise History of the Mormon Battalion," 114-255; Bancroft, v, 469-488; Hittell, ii, 628-629.

used for bathing, washing clothes and watering the garden. Two large vineyards were also connected with this mission." [32]

It is not likely that these Mormons, independent of United States and military regulations, would have wantonly destroyed any part of the church property or church fixtures during their several months' stay at San Luis Rey. Whatever some of the moral tenets held by them in those days, the Mormons, to all appearances, were a God-fearing body, who, unlike the fanatical Puritans of Massachusetts, manifested some respect for the religious convictions and feelings of other men, notably of the Catholics. It is, therefore, highly improbable that they, like the pharisæical Puritans, or like the intolerant, Voltairianized "Liberals" in Mexico, Portugal, France, etc., raved against crucifixes, images of God's saints, or other religious emblems found in the missions of California.[33] On the contrary, they appear to have let everything alone, even made repairs, and minded their own duties to their Creator, in that they practiced their religion openly whithersoever they went, a silent rebuke to those who affect "freethought" by emancipating themselves from even acknowledging the existence of God.

Naturally Governor Mason was anxious to have the battalion reenlist at the expiration of their term of service, in July, 1847. "I enclose you a copy of a letter I have this day written to Captain Hunt of the Mormon Battalion," he writes to Colonel J. D. Stevenson, June 5th, 1847, "and beg of you to use your best efforts to accomplish the object I have therein proposed. . . . Should you be able to get three companies to reenter the service, you will send one of them back to San Diego, or to San Luis Rey, as you may think proper; or, you may keep the whole of them at Los Angeles for a short time in completing the fort." [34]

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[32] "The Mormon Battalion," 263-264.

[33] Elder Daniel Tyler preached one Sunday, says the chronicler, p. 267. Doubtless there was preaching every Sunday. Devotional exercises were frequent wherever they camped. No wonder they appreciated Religion in others, instead of ridiculing or insulting it and its ministers.

[34] "Halleck's Report," p. 326.

In his report to the adjutant-general at Washington, September 18th, Mason moreover says: "Of the services of this battalion, of their patience, subordination, and general good conduct, you have already heard; and I take great pleasure in adding that as a body of men they have religiously respected the rights and feelings of these conquered people, and not a syllable of complaints has reached my ears of a single insult offered or outrage done by a Mormon volunteer. So high an opinion did I entertain of the battalion and of their special fitness for the duties now performed by the garrisons in this country, that I made strenuous efforts to engage their services for another year." [35]

On July 20th, 1847, one company of the Mormon Battalion reenlisted at Los Angeles for six months. Daniel C. Davis was elected captain.[36]

On being notified, Col. J. D. Stevenson [37] despatched the following note to Capt. Davis, which also shows the mind of the higher officers regarding the conservation of mission property: "Headquarters, Southern Military District, California. Santa Barbara, August 4th, 1847.—Sir: You will, immediately upon the reception of this, post at the Mission of San Luis Rey, twenty-seven men of your company, with one sergeant and one corporal, the whole under the command of Lieutenant R. Barrus, who will take charge of and prevent any depredations being committed upon the mission property. The detachment will remain at that post until further orders from district headquarters. You will receive by this mail a garrison flag which please return receipt for.—J. D. Stevenson, Commanding S. M. District, California.—Captain D. C. Davis, Captain Commanding, San Diego." [38]

"The time for which the company of 'Mormon Volunteers' enlisted," writes Tyler, "expired on the 20th of January, 1848, but they were not mustered out for almost two months after

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[35] "Halleck's Report," p. 336.

[36] Tyler, "The Mormon Battalion," 326.

[37] Col. Jonathan D. Stevenson had on March 6th, 1846, arrived from New York at San Francisco with 250 men. Cutts, p. 211.

[38] Tyler, "Mormon Battalion," p. 328.

that. In the meantime, they were very busily employed when not on duty. One of the men, Henry G. Boyle, writing of their labors, says: 'I think I whitewashed all San Diego. We did their blacksmithing, put up a bakery, made and repaired carts, and, in fine, did all we could to benefit ourselves as well as the citizens. We never had any trouble with Californians or Indians, nor they with us. The citizens became so attached to us that before our term of service expired, they got up a petition to the governor of California to use his influence to keep us in the service. The petition was signed by every citizen in the town. The governor tried hard to keep us in the service another year. Failing in that, he tried us for six months longer.' This latter offer was declined, and other volunteers took their place." [39]

[39] Tyler, "Mormon Battalion," 330-331. Could the Mexican-California soldiers from 1811-1846 have said "We did all we could to benefit ourselves as well as the missions," how much better would the missions, Indians, and missionaries have fared! They might then also have exclaimed: "We never had any trouble with the missions and missionaries, nor they with us, etc." Instead, they fastened themselves upon the mission body like insatiable leeches! Those Mormons taught the indolent Californians a good lesson.

## CHAPTER IV.

Captain Hunter Appointed Indian Sub-Agent.—Instructions.—Object of the Appointment.—His Success.—Record of U. S. Troops Elsewhere.—Governor Mason's Attitude Toward the Laws of the Catholic Church.—Appeal to Mason Regarding Mixed Matrimonial Unions.—Fr. González Asks for a Prohibitive Order.—The Governor Agrees.—Mason's Circular.—Fr. González's Circular to the Clergy.—Changed Conditions.—Lieutenant-Colonel H. S. Burton the First to Disregard the General Order.—Fr. González Appeals to General Riley.—The Latter's Reply.—The Administrator's Pastoral on Mixed Marriages.—Pastoral on Support of Religion.

GOVERNOR MASON had abundant opportunities to observe the pitiful condition of the dispersed Indians. It was clear to him that these natives had been grievously wronged, and that they were driven to desperate acts and dissipation through sheer want of permanent homes and protection. Kindly disposed, he sought a remedy to save the poor people. General Kearney had already established two Indian sub-agencies for the mostly pagan Indians north and east of San Francisco Bay;[1] but the majority of the mission Indians eked out a living in the southern part of the territory. The governor, therefore, resolved to provide for these natives by placing an agency at one of the ex-missions. At his call for a suitable person, Colonel Stevenson seems to have recommended[2] one of the tried Mormon officers, Captain Hunter. At all events, Mason appointed him sub-agent with headquarters at San Luis Rey. The instructions given the agent

[1] Captain J. A. Sutter was appointed by Kearney on April 7th, 1847, "for the Indians living on and near the Sacramento and San Joaquin rivers."—"Halleck's Report," 294. Mariano Vallejo's appointment is dated April 14th, 1847. His charge embraced "the Indians on the north side of the Bay of San Francisco, including those of Cash Creek and the Lakes." "Halleck's Report," 296.

[2] Mason to Stevenson, July 14th, 1847. "Halleck's Report," 342-343.

set forth the governor's solicitude for the Indians and for the missions so well that we herewith reproduce them entire:

"Headquarters, Tenth Military Department, Santa Barbara, California, August 1st, 1847.—Sir: I enclose to you herewith the appointment as sub-Indian agent for the lower district of Upper California, and more especially for the district of the country in and about the Mission of San Luis Rey. This appointment invests you with a wide range of discretionary powers, and Colonel Mason wishes to impress upon you the great importance of your office, and the great good that will result to the people of that district from a prudent and mild, yet determined, course of conduct.

"You will establish yourself at or near the Mission of San Luis Rey, and at the earliest moment practicable make a correct inventory of property belonging to that mission—such as farms, horses, cattle, and every species of property; a copy of which inventory you will send to headquarters.

"You will then consider yourself the agent for that property, so as effectually to guard it from abuse or destruction, and more especially to see that *no damage or desecration is offered to the church or any other religious fixture.*

"You will take a protective charge of all the Indians living at the mission, and in the neighborhood, to draw them gradually to habits of order. You will likewise endeavor to reclaim such as formerly belonged to the mission, and persuade them to return,[3] to restore it to its former prosperity. To do this, you can maintain them and their families at the mission, but in no event contract a debt, or go beyond the resources of the property of which you have the charge.

"You will make such rules for the government of the Indians as you deem suitable for their condition, so as to prevent their committing any depredations upon others, or leading an idle, thriftless life. You will endeavor to prevent their going about in crowds, and make them receive from yourself

[3] Compare these rational directions with the tactics of Echeandía and the young Californians from Pio Pico to Alvarado, who would persuade the neophytes to abandon the missions. See, for instance, page 352, volume iii, this series.

a written paper when they desire to go any distance from their houses or rancherías,[4] setting forth that they are under your protection, etc. Much, however, is left to your own good sense and judgment to reclaim the old mission Indians to habits of industry, and, if possible, to draw in the wild ones, too, and protect them in their lives and true interests, and to prevent them from encroaching in any way upon the peaceable inhabitants of the land.

"Frequent communication upon all subjects of interest is requested, both to the commanding officer at Los Angeles and to these headquarters. A small force will probably be sent to assist you in maintaining your authority.[5]

"Your salary will be seven hundred and fifty dollars a year, payable quarterly to yourself by the quartermaster at Los Angeles.

"I have the honor to be, your most obedient servant,

"W. T. Sherman,[6]

"First Lieutenant, Third Artillery, A. A. A. G.

"J. D. Hunter, Late Captain, Mormon Battalion, Santa Barbara, California." [7]

Another order dated Santa Barbara, August 2nd, 1847, also speaks for itself: "Sir: Should any of the Catholic priests come to the Mission of San Luis Rey, either to locate permanently, or for the performance of any of their religious duties, you will not only cause them to be treated with great courtesy and kindness, but they are to have any of the apartments they desire, and any product of the mission or mission farms for their own use,[8] and the entire management of the

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[4] When the friars practised this system, the mission enemies called it slavery.

[5] The U. S. Officials actually adopted the mission system in vogue under Spanish rule, except that the salaried agent took the place of the unsalaried friar.

[6] The later General Sherman of Civil War fame.

[7] "Halleck's Report," 344-345. The italics are ours.

[8] Compare this treatment with that received by the missionaries under the administradores and comisionados. See chapter vi, section i, and chapters ix-x, section ii, this volume.

Indians, so far as it relates to their connection with the mission and mission farms; the *only object of placing you in charge of the mission and its property being to guard it from desecration and waste.*[9] I am, Sir, very respectfully, your obedient servant, R. B. Mason, Colonel 1st Dragoons, Governor of California.—Captain J. D. Hunter, Sub-Indian Agent, present." [10]

As a result of the conciliatory and wise policy inaugurated by the United States authorities, Hunter could report only six months later, January 31st, 1848, that his efforts to improve the condition of the Indians had borne fruit already. He had been able to raise a small crop of wheat on the mission farm at Pala, and had induced the Indians to do the same on their own account.[11]

It must have excited astonishment in both the Indians and the missionaries to find themselves treated with so much consideration by "los Protestantes," when for a quarter of a century they had experienced scarcely anything but arrogance, oppression, and calumnies at the hands of those of the "household of the Faith." [12] Of course, the latter belonged only nominally to that household, inasmuch as they would not allow their aspirations, their tongues, and their deeds to be guided by the Faith they disgraced.

It is true, United States officials not always dealt considerately with Indians. Under the Indian agent system the natives frequently experienced cruelties at the hands of politicians and their henchmen, notably in California; but that is another, and a long, story for which the reader may with profit consult Mrs. Helen Hunt Jackson's "Century of Dishonor." Nor is the record of the United States Military Department entirely clean of dishonorable and barbarous acts against the Indians.

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[9] The italics are ours. What a pity the Americans did not take charge at least fifteen years earlier!

[10] "Halleck's Report," 348.

[11] "Cal. Arch.," Unbound Documents, Bancroft Collection.

[12] Compare the treatment Fr. Durán received from M. Vallejo, Fr. Ibárra from the Picos, Fr. Martínez from Echeandía, etc.

Nevertheless, Indian missionaries generally preferred to deal with military officials, because, as a rule, the latter treated true messengers of the Gospel with respect, and looked upon the poor Indians with commiseration rather than with contempt. Moreover, the military usually were free from cupidity, and therefore the land of the Indians in their charge was safe. Of such, at all events, were the higher officers who, beginning with Commodore Sloat and General Kearney, governed California.

Similarly wise, and even accommodating, we find Governor Mason on more delicate grounds. John Burton, who held the office of alcalde or justice of the peace at San José, performed the marriage ceremony for Benjamin Nachborn and a Mexican woman. Such marriages, unless contracted with a dispensation and before the priest, were regarded as invalid.[13] Fr. José Reál of Santa Clara and San José accordingly notified Burton and protested against his action.[14] Burton in a somewhat lofty tone declared that his instructions were to administer justice[15] according to the laws of Mexico only so far as they did not clash with the Constitution of the United States which recognized no religion, but regarded matrimony as a civil contract.[16] Fr. Reál, thereupon, brought the matter to the attention of Governor Mason, who very courteously replied: "I have duly considered your complaint against the alcalde at the Pueblo of San José. I will instruct that officer not again to perform the marriage ceremony during the military occupation of California, where either party is a member of the Catholic Church."[17]

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[13] This, of course, does not reflect upon the marriages of non-Catholics, which were and are held valid no matter by whom performed.

[14] Burton himself was married to a Californian, Juana Galindo, and, whether he had turned Catholic or not, doubtless before the priest.

[15] Precisely, but according to the Catholic view, marriage is a Sacrament and not a matter of litigation in civil courts.

[16] Fr. Reál to Burton, June 8th; Burton to Fr. Reál, June 10th, 1847. "Cal. Arch.,"—"Unbound Documents," 253-254.

[17] Fr. Reál to Gov. Mason, June 14th; Gov. Mason to Fr. Reál, July 12th, 1847. "Halleck's Report," pp. 334-335.

The note sent to Burton read as follows: "Headquarters, Tenth Military Department, Monterey, California, July 13th, 1847.—Sir: I desire that, during the existing state of affairs in California, you will not perform the marriage ceremony in any case where either of the parties are members of the Catholic Church of this country.

"I am induced to give these instructions from the fact that the United States Government are exceedingly desirous, and indeed make it obligatory upon their authorities here, to secure to the Californians the full enjoyment of their religion and security in all their churches and church privileges.[18]

"As their canonical laws, and I believe their civil laws also, prohibit any but their own priests from uniting members of their Church in marriage, it is not proper that we should break in upon those laws, or customs, as the case may be, and particularly it is the wish of the President that when the country is subjected to our laws the people may be as favorably disposed towards our government as possible.

*"It is therefore good policy for us to abstain from doing anything that will have a tendency to give them offense in matters wherein it may be thought their relations or Church privileges are encroached upon.* I am, respectfully, your obedient servant, R. B. Mason, Colonel 1st Dragoons, Governor of California.—John Burton, Esq., Alcalde, Pueblo de San José." [19]

Could Fr. José Joaquín Jimeno, who had succeeded Fr. Durán as comisário-prefecto of the Fernandino Franciscans, have foreseen with what deference the Catholic Religion and her ministers would be treated by the United States authorities, he would have omitted as superfluous his Circular of August 28th, 1846. "We are now already under the power of the Americans," he therein addressed the Fathers; "and therefore it seems my duty to caution you that we must conduct ourselves with such religiousness, prudence, judgment, and politeness that we give them not the least reason for dis-

[18] contrast Appendix E.

[19] "Halleck's Report," 335. See also Bancroft, v, 566. Italics ours.

trusting us, much less our Religion." After covering three pages folio with wise counsels and with inculcating obedience to the secular authorities, quoting the Holy Scriptures and some Holy Fathers to that effect,[20] Fr. Jimeno gives directions concerning the oath of allegiance, if any should be demanded by the Americans. He offered two formulas which had been worded by Popes VI, and VII, and which might be used in such an emergency. They simply promise fidelity to the laws and Constitution, and to the Government in everything that is not against the laws of God or of the Church, besides the promise of abstention from taking part in any conspiracy against the existing government.[21]

The Fathers must have felt agreeably surprised that no oath was required of them. The experience in that particular with Mexican governments had been far different, not to speak of other and grievous annoyances from those who had happened to obtain control of the affairs of the State in Mexico.

Fr. José Reál had reported Alcalde Burton's attempt to unite a mixed couple in the bond of marriage to the administrator of the diocese, the Very Rev. Fr. González Rúbio. Not having learned Governor Mason's generous decision on the subject, and fearing disastrous effects for his flock from the introduction of a custom abhorred by faithful Catholics, Fr. Rúbio addressed a lengthy communication to the governor. After reminding Colonel Mason that people could not preserve either morality or public order unless they observed the laws to which they knew themselves subject, he showed that Catholics recognized themselves bound to observe the laws of the Catholic Church, and that one of these laws concerned matrimonial unions. This law prescribed that Catholics must not contract matrimony clandestinely or privately, but must present themselves before their own parish priest and two or three witnesses under pain of nullity according to the Council

[20] The friars scarcely needed such an exhortation; but the Circular was probably intended for the people in their charge.

[21] "Sta. Barb. Arch."

of Trent,[22] and exclusion or excommunication from the Church, which latter penalty was imposed by the Third Council of Mexico.[23]

These venerable and time-honored laws, Fr. Rúbio continued, were now, after having been in force for the last two hundred and eighty-three years, in imminent peril of being despised and transgressed, with scandal to the faithful and with disaster to the morals of all those Catholics who, seeking to conform to customs in the United States, would attempt to enter matrimony before a secular public official. "Protestant and other non-Catholic residents contract matrimony in that manner, and the Roman Church will respect them and regard them as legitimate marriages, but not so with Catholics; for by the laws of their Religion they are subject to other regulations, regulations indispensable in every country where, like in this, the Council of Trent is in force." These regulations would compel him to declare null and void the marriages contracted by Catholics contrary to said law, and to apply the penalties imposed. . . .

Fr. Rúbio, therefore, petitioned the governor to prevent moral and spiritual disaster to the persons concerned and to society, which he described, by simply issuing a circular to civil authorities directing them never to solemnize the matrimony of any couple when one of the two is a Catholic.[24] "This measure cannot but be praised by men of thought as a wise and prudent one, in that it prevents much evil and produces much good. Nor can Protestants or other non-Catholics find fault as though it deprived them of their customs and liberties, for they remain in the full enjoyment of their laws and customs which authorizes them to contract matrimony among themselves before civil authorities just as hitherto."

Nor can it be objected, Fr. Rúbio argued in conclusion, that such a measure would be odious and productive of dissensions

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[22] Sessio xxiv, cap. 1. De Reformatione Matrimonii.

[23] Concilio III Mejicano, Libro 5, Tit. 12, par. 9.

[24] "para que nunca autorizen matrimonio alguno en que una parte sea Catolica."

among the citizens. On the contrary, inasmuch as they are not all of the same religion, the proposed arrangement will contribute to preserve good order and harmony by keeping each one in his own limits. Thus, as the Catholic respects and regards as valid the marriages of Protestants, when contracted according to their own laws, so likewise the Protestant himself ought to hold and regard as legitimate the marriages which Catholics contract in conformity with their laws. This mutual accommodation maintains order. To say or pretend the contrary would mean the overthrow of harmony which is produced in all individuals of a population, when each one keeps within his own class and state, observing the laws and obligations to which each one is subject. "Wherefore," Fr. Rúbio pleads, "I beseech Your Excellency to take this matter into consideration, and to issue the necessary orders to the civil authorities for the purpose indicated." [25]

Governor Mason acceded to the petition of the Very Rev. Administrator, and issued the following "Circular to the Alcaldes and Other Civil Authorities: Inasmuch as the Government of the United States is desirous of assuring the inhabitants of California of all their religious privileges, and of the full and complete enjoyment of their Religion; and inasmuch as the President of the United States has imposed upon all authorities here the obligation of abstaining from interfering with whatever rights and customs of their Church; and, inasmuch as the canons of their said Church, and likewise their civil laws (as is said) prohibit any one but the priests of the same Church from uniting the members of it in matrimony; therefore, during the present circumstances, I command that no alcalde, nor any other civil authority, perform the ceremony of marriage in any case, when one of the parties is a member of the Catholic Church in California.—Given at Monterey, Capital of California, this 23rd day of August, Anno Domini, 1847, and the 72nd of the Independ-

[25] Fr. Rúbio to Gov. Mason, July 31st, 1847; Fr. Rúbio to Fr. Reál, August 12th, 1847. "Libro Borrador."

ence of the United States.—R. B. Mason, Colonel 1st Dragoons, and Governor of California." [26]

Fr. Rúbio communicated the text of the governor's order in Spanish by means of a beautiful and lengthy circular of which we reproduce the salient points. "You know, dear Fathers," he writes, "that at all times our holy Mother the Church has regarded matrimony not only as a contract by means of which a man and a woman may unite and adopt perpetual and indivisible marital relations, but when effected between Christians, she has also held it, viewed it, and respected it as a sacred matter, as a Sacrament, a Great Sacrament according to the phrase of St. Paul; for it typifies the inseparable union of the Divine Word with human nature and of Christ with the Church.

"This Sacrament, since it was established by our Savior in order to draw down upon the married couple thousands of celestial benedictions, and to confer the graces necessary for sanctifying themselves in their state, necessitates receiving it with a pure conscience, and with all those pious dispositions that are necessary for the reception of the Sacraments of the Living. . . . Hence the faithful, in all the centuries that have preceded us, have taken care to sanctify their marriages by means of Religion, plighting their troth at the foot of the altar, and receiving from the priests the accustomed blessing.

"The ecclesiastical laws, and the sacred rites, with which the Catholic Church is accustomed to solemnize and authorize matrimony, are in the eyes of Protestants of little or no importance. Since they see in matrimony nothing holy nor sacred, but only a bare contract, a simple pact between a male and a female to adopt marital relations, said Protestants celebrate their marriages without any other solemnities than those which are usual with every man in making civil contracts;

[26] "Libro Borrador." Translation from the Spanish of Fr. Rúbio. We have not been able to find the original English text. Through Secretary of State Halleck the governor forwarded a copy to Fr. Rúbio who acknowledged it September 14th, 1847. "Libro Borrador";—"Escrituras Sueltas";—"Unbound Documents," 281, Bancroft Collection.

and so they marry before an alcalde or other public authority. That suffices them. . . .

"I cannot, Venerable Fathers, but remind you of the strict duty which you have of carefully instructing all the faithful entrusted to your care that our holy Mother, the Catholic Church, has always viewed with horror, has detested and severely prohibited the marriages of Catholics with heretics, and that without previous license and faculty from the Roman Pontiff no parish priest can witness such marriages. Above all, it is necessary frequently to remind our faithful of the sanctity of matrimony, of the purity of conscience, of the sacred rites, and of the strict observance of the ecclesiastical laws according to which they must be celebrated; and that in the whole country, like this in which the Council of Trent is in force, no Catholic can either lawfully or validly marry except in the presence of his own pastor and two or three witnesses. . . ." [27]

Ere long, however, after the discovery of gold, California was flooded with men of every and of no religion. It was not strange, as Fr. Rúbio himself warned his priests, that such immigrants should want to marry daughters of the territory, and, for reasons of their own, should induce such women to go with them before other authorities than the priests of the Catholic Church to which all such females belonged. Under the changed conditions, when the majority of white people in California were no more Catholic, and sectarian ministers began to make their appearance, it was not probable that Governor Mason's order would continue to be respected.

The first breach in the rule, as far as known, was made by Lieutenant-Colonel Henry S. Burton, retired, of Stevenson's Volunteers, which regiment had been mustered out in December, 1847. He had with two companies taken possession of Lower California, and had there become acquainted with Maria del Ampáro Ruiz, with whom, on July 9th, 1849, after his return to Monterey, he had presented himself before a Protestant minister for the marriage ceremony. What aggravated the case was that Rev. Fr. Ignacio Ramírez de

[27] Fr. Rúbio, "Circular," September 7th, 1847. "Libro Borrador."

Arellano, a Dominican, who had but a few months previously come from Lower California,[28] connived at the proceedings, nay, was present to give validity to the contract as pastor of Monterey! For this remarkable conduct Fr. Ramírez was severely rebuked by the Very Rev. Administrator of the diocese, Fr. Rúbio.[29]

Fr. Rúbio, moreover, appealed to Brigadier-General Bennett Riley, who on April 12th, 1849, had arrived at Monterey, and next day had succeeded Colonel Mason in the office of governor of California. In his lengthy communication the Very Rev. Administrator set forth the good results of Governor Mason's order forbidding any one but a Catholic priest to perform the marriage ceremony when one of the couple is a Catholic. He then described the great damage that would follow from the discontinuance of the rule.[30]

The reply was as follows: "State Department of the Territory of California. Monterey, August 13th, 1849.—Reverend Sir: I am directed by the Governor to acknowledge the receipt of Your Reverence's letter of July 23rd, complaining that a Protestant minister did, on the 9th of July, in Monterey, before the very eyes of the governor, solemnize a marriage in which one of the contracting parties was a Catholic, such act being in violation of Governor Mason's prohibiting order of August 23rd, 1847.

"The Governor was absent from Monterey from the 5th of July to the 9th of August, and consequently had no official information of the marriage alluded to, until he received the communication of Your Reverence.

"The order of Governor Mason above referred to was one issued under the laws of war, and before California became a part of the territory of the United States, and it ceased to

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[28] His faculties were dated March 27th, 1849. "Libro de Gobierno."

[29] Fr. Rúbio to Fr. Ramírez, July 24th, 1849. "Libro Borrador." Fr. Ramírez was directed to repair the scandal given. He returned an unsatisfactory answer on August 10th, and was therefore again warned on September 10th.

[30] Fr. Rúbio to Gov. Riley, July 23rd, 1847. "Unbound Documents," 190-192; "Libro Borrador."

have any force on the ratification of the treaty of peace. Indeed, it was evidently intended to be only of a temporary character, and to continue only during the military occupation of the country. Neither Governor Mason, nor Governor Riley, has claimed authority to make any new laws for California since the war, that power being vested in Congress alone; and even Congress is prohibited in the Constitution from making any laws respecting an establishment of religion, or prohibiting the free exercise thereof. The Governor has, therefore, no power either to enforce or to renew the order of Colonel Mason above referred to.

"The Governor directs me to express to you his high regard and consideration, and to thank you for the very liberal and generous sentiments expressed in your letter.

"While it will always be his earnest endeavor to protect the Catholics of California in the rights and privileges secured to them by the laws of the land, he cannot consent to interfere in matters touching religious opinions, for by so doing he would evidently violate the spirit of the Constitution of the United States, which makes all religious denominations equal before the laws.

"He would, however, suggest to Your Reverence, as a friend rather than in his official character, whether the dispensation already given by the Roman Pontiff for the solemnization of marriages in the United States is not applicable to California without any new order. California is now a part of the territory of the United States, and must, it is believed, be regarded as such in all its civil and religious relations. If this view be correct, does it not relieve Your Reverence from all difficulty and responsibility respecting marriages between Catholics and Protestants?

"I have the honor to be, very respectfully, Your Reverence's most obedient servant, H. W. Halleck, Brevet Captain, and Secretary of State.—Very Rev. F. José Maria de Jesus González, Administrator of the Diocese of California, Santa Barbara, Cal." [31]

While the unmistakably kindly tone of the governor's let-

[31] "Halleck's Report," 801-802; "Escrituras Sueltas."

ter reassured Fr. González Rúbio of the good will of the American authorities, it also convinced him that, because outside their sphere, they could not aid him to stem the flood of irreligion and vice that now threatened the flock entrusted to his care. The males tainted with Voltairianism or indifferentism, largely given to gambling, drunkenness and indolence, men, women and children poorly instructed, in many places bereft of priests, this was a state of things to make the stoutest heart quail. How keenly the Venerable Administrator felt the situation may be gathered from a *Pastoral,* which also explains why in his simplicity and in his anguish of heart Fr. Rúbio a year later turned to General Riley for the removal of one cause of anxiety. The document is too long to be reproduced, but its drift may be seen from this extract:

"To all our dearly beloved Diocesans, Health and Peace in our Lord Jesus Christ. Since the day on which, in spite of our insufficiency, we have seen ourselves obliged to bear upon our weak shoulders the heavy burden of the government of this diocese, we have not ceased to pour out before God our most humble supplications for the welfare and prosperity of this beloved flock placed in our charge; but the weight of our faults, doubtless, has caused the Lord not to hear us, and not to desist in his just anger. Every day we see that conditions are more difficult; that aid and resources amount to almost nothing; that the hope of obtaining a sufficient number of priests is already nearly extinguished; and, above all, that Divine Worship, for want of means and priests, is in the whole diocese threatened with complete destruction. The Divine Praises, the exercise of piety, of sanctification and of Religion; the homage, which ought to be paid to God in His temples, and which on the part of this population is so neglected, or so feeble, and so imperfect, will all this be agreeable to the Lord? Oh! the malice, the corruption and the sins of this people! Have they perhaps already filled their measure, and angered Divine Justice? May He want to transplant the tree of Religion, planted here by means of the toil and hardships of such zealous missionaries,

to other parts where it will yield better fruits? Oh! how much, my dear Diocesans, must we fear this dreadful punishment! A punishment, truly, than which a greater cannot come upon us from the anger of Heaven, and which we are already beginning to experience; for God, in His impenetrable judgments, has permitted, within the last few years, that in this country everything is upturned; that the greater part of the missionaries died or departed, leaving no hope of replacing them; that religious education is daily waning; that of the towns some are destroyed, others utterly abandoned, without priests, without administration of the Sacraments, without Public Worship, and all these, besides being without good morals, are surrounded by the most perilous allurements.

"What will be their fate? That I do not know; but we must indeed fear that, if in the inhabitants of this territory religious ignorance increases, charity will grow cold, faith will become more feeble, and soon at the first attack they will blindly yield to impiety, to irreligion, or indifferentism in matters of Religion, and at last entirely forget God. May Heaven dispose that I do not see this, and that the temples, erected on this coast to the Living God, may not be profaned, nor serve for unlawful purposes! However, if such should happen, what eyes would suffice to weep over so great a misfortune? Let us, my dear Diocesans, prevent it in time; but how? By appealing strongly to the Lord, by humbly taking refuge in His Mercy so that He may have compassion on us, and not reject us like other peoples. Be converted to God by a sincere repentance etc."

Fr. Rúbio continues in this strain, and then prescribes public prayers on occasion of the approaching celebration of Our Lady of Refuge, the Patroness of the Diocese. In virtue of the faculties bestowed upon him Fr. Rúbio finally announces a plenary indulgence on the usual conditions contrite confession, holy Communion, and a visit to their own church.[32]

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[32] Fr. González, "Pastoral," May 30th, 1848. "Sta. Barb. Arch."; "Libro Borrador."

The deplorable condition of Religion among the paisanos and Mexicans in California may be further concluded from another Pastoral, which Fr. Rúbio felt constrained to address to the clergy and people on July 14th, 1848. It covers seventeen pages, but the introduction sufficiently explains its tenor. "With deep sorrow of heart," he writes, "we have seen that, since it was commanded in the diocese to observe the universal law of tithes [33] to the Church in order to maintain her and her ministers, many of you have shown yourselves backward in paying them; others, even of the most wealthy, pay badly; some, forgetful of their duty and conscience, have altogether refused to pay them. This, my dear children, is for you a grievous wrong, and as we are, in duty to our office, bound to remove it, we cannot remain silent any longer, and therefore we are compelled to address you with the voice of a father, who desires to instruct and move you that you remember your religious obligations. . . .

"God is our witness that, in addressing to you this paternal exhortation, personal interests do not move us in any manner. We are, as you know, a religious, poor in virtue of our vows, accustomed to privations and to supply our necessities with but little. Hence, even if you continue as now, in not paying the tithe, we trust in Divine Providence and shall not have to want for the necessaries of temporal life; but you, indeed, may forfeit eternal life for not making the contribution; your country may forfeit Divine Worship; you may likewise forfeit, at least in the hour of death, the presence of the priests who can absolve you from your sins. The desire that such a grave evil may not befall you, is the only one that moves us to exhort you in the hope that you will listen kindly."

Fr. González, at some length, then shows, by means of the Old and New Testament, that support of the ministers of Religion is an obligation binding in conscience.[34]

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[33] "Diézmo," contributions which members are obliged to make in order to enjoy the privileges of membership, just as in any other organization.

[34] "Libro Borrador."

## CHAPTER V.

Discovery of Gold.—Description by Governor Mason.—Coloma.—Effects of the Discovery.—Manner of Mining Gold.—Character of the Immigrants.—Scarcity of Priests.—Fr. González Appeals to Honolulu.—Arrival of the First Picpus Fathers.—Appeal to Oregon.—Archbishop Blanchet's Answer.—Arrival of Very Rev. J. B. Brouillet and Other Priests.—An Impostor.—Halleck's Letter Concerning Him.—A Priest Without the Requisite Papers.—More Priests Needed.—Fr. González's Pastoral.—Appeal to Archbishop Bonamie.—The Reply.—Another Letter From Fr. González.—Second Reply of Archbishop Bonamie.—Arrival of Picpus Fathers.—Fathers José Jimeno and Francisco Sánchez Resign.—Fr. González Acknowledges Their Services.—Picpus Fathers Appointed.—Arrival of Various Secular and Regular Priests.

WHAT effect Fr. González's Pastoral had or might have had, may be guessed from results of previous appeals. However, just then an event was noised abroad which changed the situation in California, and created intense excitement all over the civilized world. It also awakened and realized hopes for the acquisition of an adequate clergy, and thus averted the disaster which Fr. Rúbio justly feared must overtake Religion in the territory under the present circumstances. This fortuitous event was the discovery of gold on January 19th, 1848!

Governor Mason, in his report to the Adjutant General, Washington, describes the discovery in these terms: "Captain Sutter, feeling the great want of lumber, contracted, in September last, with a Mr. James W. Marshall, to build a saw-mill fifty miles from Sutter's Fort, on the south branch of the American River. It was erected in the course of the past winter and spring—a dam and race constructed; but when the water was let on the wheel, the tail race was found to be too narrow to permit the water to escape with sufficient rapidity. Mr. Marshall, to save labor, let the water directly into the race, with a strong current, so as to wash it wider and deeper. He effected his purpose, and a

large bed of mud and gravel was carried to the foot of the race. One day Mr. Marshall, when walking down the race to this deposit of mud, observed some glittering particles at its upper edge; he gathered a few, examined them, and became satisfied of their value. He went to the fort, told Captain Sutter of his discovery, and they agreed to keep it secret until a certain grist-mill of Sutter's was finished. It however got out, and spread like magic." [1]

The news soon reached every part of America and Europe. Great crowds of adventurers flocked to the new dorado; and Coloma (Columa), where the gold was first found, from containing only a double log cabin and about eighteen persons, exclusive of Indians, became in a short period a town of between two and three thousand inhabitants.

Indeed, "the discovery of these vast deposits of gold," Mason reports, "has entirely changed the character of Upper California. Its people, before engaged in cultivating their small patches of ground and guarding their herds of cattle and horses, have all gone to the mines, or are on their way thither; laborers of every trade have left their work-benches, and tradesmen their shops; sailors desert their ships as fast as they arrive on the coast, and several vessels have gone to sea with hardly enough hands to spread a sail; two or three are now at anchor in San Francisco with no crews on board.[2] Many desertions, too, have taken place from the garrisons within the influence of the mines; twenty-six soldiers have deserted from the post of Sonoma, twenty-four from that of San Francisco, and twenty-four from Monterey. For a few days the evil appeared so threatening that great danger existed that the garrisons would leave in a body.[3]

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[1] Gov. Mason to Gen. R. Jones, Washington, D. C., August 17th, 1848. "Halleck's Report," 530.

[2] On May 29th the "Californian," and on June 14th, the "Star," the only newspapers in San Francisco, suspended publication, because all the employees had gone off to dig for gold. Bancroft, Hittell, and others.

[3] See also complaints of General Riley in "Halleck's Report," pp. 760; 896; 899.

"Many private letters have gone to the United States giving accounts of the vast quantity of gold recently discovered, and it may be a matter of surprise why I have made no report on this subject at an earlier date. The reason is, that I could not bring myself to believe the reports that I heard of the wealth of the gold district until I visited it myself. I have no hesitation now in saying that there is more gold in the country drained by the Sacramento and San Joaquin Rivers than will pay the cost of the present war with Mexico a hundred times over. No capital is required to obtain this gold, as the laboring man wants nothing but his pick, shovel, and tin pan, with which to dig and wash the gravel. . . .

"At the urgent solicitation of many gentlemen, I delayed at Sutter's Fort to participate in the first public celebration of our national anniversary, but on the 5th (July) resumed the journey and proceeded twenty-five miles up the American Fork. The hillsides were thickly strewn with canvas tents and bush arbors. The day was intensely hot; yet about two hundred men were at work in the full glare of the sun, washing for gold, some with tin pans, some with close-woven Indian baskets, but the greater part had a rude machine known as the cradle. This is on rockers six or eight feet long, open at the foot, and at its head has a coarse grate and sieve; the bottom is rounded, with small cleats nailed across. Four men are required to work this machine; one digs the gravel in the bank close by the stream, another carries it to the cradle and empties it on the grate, a third gives a violent rocking motion to the machine, whilst a fourth dashes water on from the stream itself. The sieve keeps the coarse stones from entering the cradle, the current of water washes off the earthy matter, and the gravel is gradually carried out at the foot of the machine, leaving the gold mixed with a fine heavy black sand above the first cleats. The sand and gold, mixed together, are then drawn off through auger holes into a pan below, are dried in the sun, and afterwards separated by blowing off the sand." [4]

[4] Gov. Mason to Gen. Jones, August 17th, 1848. "Halleck's Report," 529-533.

The immigrants, speculators and adventurers that poured into California by way of Cape Horn and the Isthmus of Panamá, or who, braving the perils of the deserts and the cruelties of savages, came overland, were of all classes, conditions, nationalities, and religious persuasions. Americans, Irish, English, and Germans predominated, but numerous Swiss, Scotch, French, Italians, etc., likewise yielded to the fascination. A considerable percentage was Catholic, and this fact added not a little to the anxieties of the Venerable Administrator of the diocese; for, when in 1848 the country resounded with the cry of *gold! gold!!,* the entire clergy of California consisted of only seven Franciscans (three Fernandinos and four Zacatecans, including Fr. González Rúbio) and five secular priests, all Spaniards or Mexicans who were needed among the Mexicans and Indians. Aid had therefore to be sought outside. Fr. Rúbio first looked westward.

Since the year 1839, Catholicity had secured freedom from sectarian persecution on the Sandwich Islands;[5] the Picpus Fathers[6] had resumed their missionary labors; and one of their number had been consecrated Bishop of Arath, i.p.i., and appointed Vicar-Apostolic of the Islands. A brisk traffic was carried on between Honolulu and the coast towns of California. It was quite natural that the good Administrator should turn in that direction in the hope of obtaining some relief. He, accordingly, on March 26th, 1848, appealed to the charity of the vicar-apostolic, Rt. Rev. Louis Maigret, C.SS.CC., with two petitions: first, that the Bishop would deign to ordain two students from the seminary of Santa Inés, and that he would send two Fathers of the Society to help check the destruction of Religion in California.[7]

Bishop Maigret replied under date of July 9th, 1848, that

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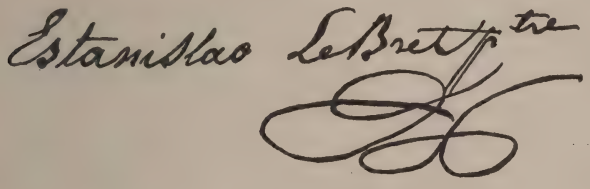
[5] See vol. iii, 650-652.

[6] i. e. "Congregation of the Sacred Hearts of Jesus and Mary." The abbreviations are "C.SS.CC."

[7] Fr. Rúbio's letter is not extant, but the contents are inferred from the reply of Bishop Maigret. Who the two candidates for the priesthood were, is not known. Nor was any native student of Santa Inés ever raised to the priesthood after 1846.

DIGGING AND WASHING GOLD IN THE EARLY DAYS.

he would gladly ordain the two young men, but could not spare any of his missionaries. He would, however, forward the petition to the Sacred Congregation of the Propagation of the Faith at Rome.[8] Three months later the Bishop wrote that since his letter of July conditions had changed for the better, and so he found himself in a position to despatch two Fathers, who would report for service to the Very Rev. Administrator of California.[9] These two missionaries, whom the sympathy of Bishop Maigret ceded to Fr. Rúbio, were the Revds. Stanislaus Lebret, C.SS.CC., and John Chrysostom



Signature of Rev. Stanislaus Lebret.

Holbein, C.SS.CC. Both arrived at San Francisco in December, 1848. They were given the faculties for the whole diocese on January 23rd, 1849. The former was stationed at Mission San José, the latter was assigned to San Diego.[10] Both had been preceded by Rev. Sebastian Bongiami, a secular priest, whose faculties were dated October 23rd, 1848. He was appointed pastor of Los Angeles on January 12th, 1849.[11] His antecedents are not known, but he must have come provided with the necessary documents.

For several years previous to this date, a number of French and Belgian priests had been laboring among the settlers and employees of the Hudson Bay Company west of the Rocky Mountains. The most noted of these pioneers were the Rev. Francis Norbert Blanchet and Rev. Modestus De-

[8] "Sta. Barb. Arch."

[9] Bishop Maigret, October 25th, 1848. "Sta. Barb. Arch."

[10] "Libro de Gobierno"; Mission Registers, San Diego and San José.

[11] San Gabriel Mission Register; "Libro de Gobierno."

mers, sent thither in 1838 by the Bishop of Quebec. The former in 1846 became the first Bishop and Archbishop of Oregon City, and the latter, in 1847, was appointed Vicar-Apostolic of Vancouver Island.[12] About the month of August, 1848, before he had received Bishop Maigret's second letter, Fr. González Rúbio explained the situation in California and his predicament to Archbishop Blanchet. This letter, too, is not extant, but the contents can be surmised from the Archbishop's sympathetic response dated at the Mission of St. Paul, Willamette, Oregon, September 14th, 1848.

"I have received your most welcome letter, and I have read it several times, for which many thanks," Archbishop Blanchet writes; "but its reading filled my soul with grief on account of the magnitude of the desolation in your diocese and the description of the evils, anxieties, and perils that oppress your soul. Pained, therefore, and raising the eyes to heaven, how could I check the tears?

"In the midst of so many and such great causes of affliction you ask me for help when we ourselves need help; for we are placed in the very same tribulations that you suffer. The region assigned to the care of three Bishops extends from the forty-second degree of latitude to the Arctic Ocean. Catholics, neophytes, and the laborers in the Lord's vineyard are as yet few there, whereas infidels, heretics, and the ministers of error are numerous. We, too, are afflicted and distressed because 'our adversary, the devil, goeth about seeking whom he may devour.'[13]

"However the sorrow of your soul has pierced our heart; therefore yielding to your call I shall gladly write to the Directors of the Propagation of the Faith residing in France, always ready to assist the diocese entrusted to your care in the best way I shall be able.

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[12] Gleeson, "Catholic Church," ii, 181-183; "Catholic Directory," years 1844, p. 164; 1845, pp. 167-168; 1846, pp. 191-192; 1847, pp. 191-192; 1848, pp. 226-228; 1849, pp. 250; 280; 1850, p. 190; Reuss, "Biographical Encyclopedia," 15-16; 32.

[13] I Peter, v. 8.

"The news of the discovery of gold in California is fascinating the eyes of everybody, and is unsettling and attracting the minds of various persons of our dioceses. Determined to provide for their spiritual needs, I had already thought of sending after them the Very Rev. Brouillet, Vicar-General of the Rt. Rev. Bishop of Walla-Walla. He is to make the voyage on the ship of Mr. Kilborn which sails in two months.

"Desirous of giving you, most dear Sir, a token of our good will, by means of the enclosed document we appoint you our Vicar-General.[14] You will oblige us, if it may please you, by conceding jurisdiction to the Very Rev. Brouillet. If you will remit the oil-stocks, you will receive them back with fresh Oils of this year.[15] Finally, do me the favor and let me hear from you often." [16]

Very Rev. Brouillet, whom Archbishop Blanchet had appointed his vicar-general with authority to look after the needs of the Oregonians in California, subject to the consent of Fr. Rúbio, arrived at San Francisco in December 1848. The presentation of his letters to the Administrator of the diocese at Santa Barbara, which could not be reached save by the tedious and long overland road, accounts for the delay in the granting of the faculties by Fr. Rúbio. They bear date of February 17th, 1849, and include reserved cases. Very Rev. Brouillet was likewise authorized to build a church at Yerba Buena, or San Francisco, as the mission church, or Dolores, lay three miles southwest of the city limits. To Father Brouillet, then, credit is due for building

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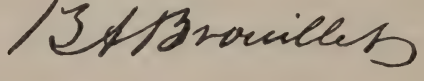
[14] for subjects of the Archbishop. This document is dated September 12th, 1848. "Sta. Barb. Arch." In California Fr. Rúbio was supreme. The signature is—"F. N. Archiepiscopus Oregonopolitan."

[15] This was thoughtful. Fr. Rúbio, in 1847, had to procure them from Valparaiso, by way of the Sandwich Islands, as Rt. Rev. Maigret had not yet received consecration. Bishop-Elect Maigret to Fr. Rúbio, Honolulu, May 1st, 1847. "Sta. Barb. Arch."

[16] Archbishop Blanchet to Fr. Rúbio, September 14th, 1848. Brouillet's appointment is dated November 15th, 1848. "Sta. Barb. Arch."

the first Catholic house of worship at Yerba Buena, or San Francisco, on a plot of land now occupied by St. Francis Church. The first holy Sacrifice of the Mass was offered up there on June 17th, 1849, the third Sunday after Pentecost.[17]

Early in 1849, the Dominican Father Ignácio Ramírez de Arellano withdrew from Lower California and arrived at Monterey in February. His faculties for the whole diocese



Signature of V. Rev. J. B. A. Brouillet.

were dated March 27th, and he was entrusted with the parish of Monterey.[18]

Next came one secular priest from Oregon and two Franciscans. The friars bore the title of missionaries-apostolic. The secular priest was Rev. Anthony Langlois, who was stationed at San Francisco, as assistant, it appears, to Very Rev. Brouillet. His faculties bear date of May 30th, 1849. The two friars were Fr. Paulino Romani, O. F. M., and Fr. Alexandro Branchi, O. F. M. Their faculties were also issued on May 30th, 1849. Fr. Romani was charged with the ex-missions of San Francisco (Dolores), San Rafael, and San Francisco Solano; Fr. Branchi was appointed pastor of San Buenaventura.[19]

At this time also, spring of 1849, a personage arrived at San Francisco, Juan Bautista Brignole by name, who styled himself Bishop, Apostolic Legate, Superior-General, Reformer

[17] "Libro de Gobierno"; Riordan, "First Half Century," 18-19; Gleeson, ii, 201; "Catholic Directory," 1850, where Rev. Brouillet's name appears for the first time, page 192.

[18] "Libro de Gobierno"; "Libro Borrador"; Records of Monterey Parish.

[19] "Libro de Gobierno"; Mission Records, San Francisco, San Buenaventura. Rev. Langlois's name appears in the "Catholic Directory," 1847, for the first time on page 191.

of the Catholic Religion, and of the Regular and Monastic Orders in the Mexican Republic and adjacent countries. He actually attempted to exercise jurisdiction by offering to secularize the two Franciscans Romani and Branchi, who had come from Mexico some time previously. The fact that he had not informed the Very Rev. Administrator of his presence, nor presented any testimonials, his strange vestments, and more strange actions, aroused the suspicions of Fr. González Rúbio, who suggested an examination by the governor.[20] The reply speaks for itself. It is as follows:

"State Department of California, Monterey, August 10, 1849.

"Reverend Sir: I am directed by the governor[21] to acknowledge the receipt of Your Reverence's letter of May 28, giving information of the arrival of an impostor named Brignole, who falsely represented himself as bishop, apostolic legate, etc. It is said that Brignole was some time since arraigned before the alcalde of one of the northern districts, under the charge of being an imposter, since which time he has not been heard of, but is supposed either to have left the country or to have thrown off his assumed character of bishop.

"I have the honor to be Your Reverence's most obedient servant, H. W. Halleck,

"Brevet Captain, and Secretary of State.

"Very Reverend José Maria de Jesus González, Administrator of the Bishopric of California, Santa Barbara, California." [22]

A certain Fr. Filoméno Ursúa arrived at Monterey early in June 1849, and offered to serve in California; but, as he possessed no other testimonials than a recommendation of the curate at Colima, whereas he should have had documents signed by his Bishop, Fr. González Rúbio, under date of June 23rd, 1849, refused him permission even to celebrate holy Mass. On the same date Fr. Rúbio cautioned Rev.

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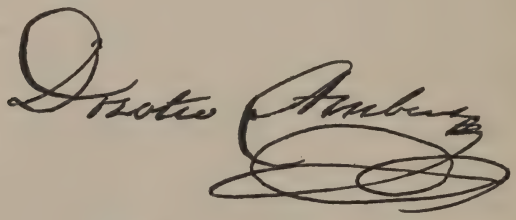
[20] Fr. Rúbio to Governor, May 28th, 1849. "Libro Borrador."

[21] General Riley, who had succeeded Mason.

[22] "Halleck's Reports," 798.

Dorotéo Ambris of Monterey to the same effect. It was also discovered that Ursúa belonged to a religious Order which he had left without permission. [23]

The advent of a number of excellent priests afforded some relief, but it was not nearly enough to supply the demand. Moreover, the steady stream of immigrants pouring into California from all countries, and from every station of life, called for a clergy that could successfully cope with the extraordinary difficulties encountered at every turn. The Spanish friars had not only been zealous and unselfish, but, as a rule, they had been men of superior education. On the other



Signature of Rev. Dorotéo Ambris.

hand, the few Mexicans Bishop García Diego had found it necessary to ordain in order to fill the places of the Franciscans who one by one dropped at their post,[24] or returned to Mexico, possessed only the most necessary knowledge of their priestly duties, sufficient for ordinary conditions in purely Catholic communities, but not for the heterogeneous multitudes crowding into the territory at this period. The changed state of things demanded priests who were not only versed in Church history, philosophy, and theology, heartily and exclusively devoted to their calling, but able to speak the English language or willing to acquire it. Whence would such priests come? To begin with, there must be funds

[23] "Libro Borrador"; Rev. D. Ambris to Fr. González, July 11th, 1849. "Sta. Barb. Arch."

[24] Fathers Thomás Esténaga and Vicente Olíva had died in 1847 and 1848 respectively, leaving San Gabriel and San Juan Capistrano vacant.

available to pay the expenses of those who might volunteer from any quarter of the world; but whence were the funds to be obtained? Clearly from the people who would be benefited. "This was the thought that the Venerable Administrator, Fr. González, turned over and over in his active mind; this was the subject on which with tears and earnest prayer he sought light from on high; until, on June 13th, 1849, we have from him a pastoral letter as admirable for the comprehensiveness of its views as for its clearness and simple beauty." [25] The text, much abbreviated, is as follows: "We, Fr. José Maria de Jesus González, Administrator of the Diocese of Both Californias.—To all our dearly beloved Flock at present dwelling in this Diocese, Health and Peace in our Lord Jesus Christ!—From the day on which Divine Providence, in Its inscrutable decrees, disposed that we should bear the heavy and delicate burden of the administration of this Diocese, we have ever kept before our eyes our chief and most important duty of providing you with evangelical laborers, who, by their sound doctrine, edifying conduct and apostolic spirit, would bravely uphold in this Diocese of the Californias the noble edifice of the Religion of Jesus Christ. Nevertheless, the various misfortunes that have befallen us, the immense distances that separate us from sources of supply, the deplorable poverty in which we find ourselves, have been so many obstacles rendering it impossible for us to carry out fully our sacred purpose.

"Of late we have beheld with sorrow these same causes reviving, attended by circumstances that bring in their train increased difficulties. Could we remain cold spectators of evils that threaten a flock so dear to us? Could we be true to the grave obligations that bind us to the sacred Diocese of California, by abandoning our solicitude to the chance course of events, until some easy and suitable occasion should present itself of regulating our conduct in regard to the pastoral care that weighs down upon our shoulders? . . .

"It is our duty, therefore, to devise all possible expedients

[25] Rev. J. W. Riordan, S. J., "The First Half Century," 13.

for providing this Diocese with the many priests it needs, that Divine Worship may not fall into decay, and that your spiritual wants may receive proper care; but how solve a problem so difficult? How overcome the very serious obstacles that thwart us in obtaining a good so much desired? Behold, dearly Beloved, the most difficult problem that faces us in these unfortunate times. You are all aware, for the fact is so well known that none can be ignorant of it, that in this Diocese of the Californias the clergy has been made up of the Rev. Missionary Fathers of the holy Order of Preachers,[26] and of the Apostolic Colleges of San Fernando and Zacatecas;[27] but these have decreased so notably in numbers that to-day but a very few remain, and these, bent under the weight of years, and toils, and infirmities, and so utterly heart-broken, that there is no prospect of relief.

"Not long ago, it is true, some help reached us in the persons of a few secular priests; but their fewness is such that it cannot supply one-eighth of the places urgently calling for the exercise of their holy ministry. Whence, therefore, shall we furnish ourselves with the needed clergy? Will it be from the Apostolic Colleges that have been founded and have sustained Religion in this country? Evidently not; for the circumstances of the times have so lessened the numbers that they can scarcely attend to the needs of their own seminaries.[28] Will it be from the secular clergy of the other dioceses that depend upon this Metropolitan See?[29] Clearly not; for among us there is not even one ecclesiastical benefice to supply them with a living, and even if there were such benefices, and rich ones at that, the various Bishops have more than they can do to provide for the needs of their own respective flocks, and, although certainly most anxious, are unable to assist us. Can the requisite clergy be formed here? Surely not; for a new country like ours, without colleges,

[26] Dominican Fathers in Lower California.

[27] Franciscan Fathers from those missionary colleges.

[28] i. e. the Franciscan Colleges of San Fernando and Zacatecas.

[29] Archdiocese of the City of Mexico.

and ill-furnished with even primary schools, cannot produce youths or well-instructed persons who will aspire to the sacerdotal state; and even were there an abundance of such literary institutions, the impossibility would still continue of calling into existence a clergy sufficient to meet the urgency which the destitute condition of so many parishes creates.

"Whence, therefore, shall we provide ourselves with properly instructed priests, zealous men, and in numbers proportioned to the actual needs of the country? From Europe alone. In Europe there are plenty of priests who are willing to come; but where are the funds, where the revenues to enable us to bring them hither? Here, in California, the Church is entirely destitute of means; for even the sources of revenue which it formerly possessed in the mission system that obtained here, and the aid derived from the Pious Fund and such like sources, have all disappeared.

"What, therefore, after trust in God, remains to us? One resource alone—your charity. Ah! dearly Beloved, if this human resource fails us; if in it we do not find the support needed, believe me, Divine Worship will perish; Religion itself will disappear; and with it all true happiness in this present life and all the happiness of life eternal. . . .

"Trusting to your generosity, dearly Beloved, no sooner had we assumed charge of this Diocese than our first care was to call to our aid the noble priests of the Congregation of the Sacred Hearts of Jesus and Mary. In fact, His Lordship, Bishop Maigret, has sent us Fathers Lebret and Holbein, who are actually laboring in this Diocese, and through them we have begged of His Lordship, Archbishop Bonamie, some more missionaries, who, I hope, will soon arrive.

"Yet what are a few evangelical laborers where there is question of maintaining Divine Worship in so many churches? of administering the Sacraments in so many pueblos? of carrying on the Christian and careful education of so many children? and of bringing into the bosom of Mother Church so many gentiles? In so extensive a Diocese we need at least forty missionaries; but, in order that we may obtain them, we must first of all collect a fund sufficient to pay the

necessary expenses of travel, maintenance, etc. What will the Diocese do bereft of all such aids? I have already told you, dearly Beloved; nothing else is left us but to appeal to your generosity. . . .

"Consider all this, dear Brethren, and act conformably to your well-known piety and liberality. Given at Santa Barbara, properly signed and countersigned, June 13th, 1849.—Fr. José Maria de Jesus González." [30]

English-speaking priests were especially needed, because most of the gold-seekers and other immigrants hailed from the Eastern States. Bishops in the United States and England, however, themselves eagerly sought to procure additional laborers for their respective dioceses. No assistance was likely to come from that quarter. Fr. González, therefore, rightly calculated that, if he could persuade some religious Orders to include California within the circuit of their missionary activity, permanent relief would be secured. Two Picpus Fathers had already come to his aid; possibly, if the Superior-General understood the situation, he might send other members of the Society. At least he would try. The Venerable Administrator, as he says in his Pastoral letter, accordingly applied to the Most Rev. J. D. Bonamie, Archbishop of Chalcedon, i.p.i., the head of the Congregation of the Sacred Hearts of Jesus and Mary at Paris, France. After describing the poverty of the diocese, the heterogeneous mass of immigrants, and the dearth of an adequate clergy, Fr. González concluded: "Inasmuch as you are most desirous of widening the circle of the missions of your Society, and, as I hear, an abundance of men is not wanting to you, do protect Divine Worship among us lest it perish, and restore it to former splendor. Love for humanity and the charity of Christ asks this of you." In order to insure favorable action, the Venerable Administrator out of his slender means included a check for $2000 with which to defray

[30] Riordan, "First Half Century," 13-17; "Sta. Barb. Arch." Fathers Ramírez of Monterey and Holbein of San Diego were appointed official collectors.

the traveling expenses of the missionaries from France to California.[31]

There was no resisting such an appeal. The Superior-General, therefore, replied as follows: "Very Rev. Father.—Without any delay whatever I have forwarded to the Holy Father the petition which you have directed to him.[32] His Holiness replied to me through the Cardinal Prefect of the Propaganda that he was deply afflicted at the sad condition in which the California diocese finds itself, that he (His Holiness) would be pleased to see me send missionaries to California; and that he was deliberating on the appointment of a Bishop for that diocese.

"Since that reply from Rome, I have received the esteemed letter which Your Reverence directed to me along with the one from Father Lebret, dated at the close of January, this year. In compliance with the request Your Reverence made to me, I am fitting out an expedition consisting of some subjects who may be able to open a school or a college in the vast establishment which Your Reverence offers to me through Father Lebret, and which I accept with appreciation. Nevertheless, it may be necessary that the donation, which Your Reverence makes to our Society, should be assured by certain titles which secure us against all difficulties. May it please you, Reverend Father, to secure the transfer in a manner that seems best to you.

"I acknowledge the 10,000 francs ($2000) which Your Reverence promised for the voyage of some of our religious. I do not as yet know exactly on what date they may be able to depart, but I am in hopes that their departure from here will take place before the end of this year. I should very much like to know whether or not it be necessary for them to take along sacred vessels, priestly vestments and ecclesias-

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[31] Fr. González to Archbishop Bonamie, February 1st, 1849. "Sta. Barb. Arch."

[32] No mention of a petition to the Pope in Fr. González's letter of February 1st, 1849. The Archbishop probably forwarded Fr. González's communication, and earnestly recommended the desires expressed.

tical robes. May you, Rev. Father, be pleased to be assured of my sincerest esteem and affection.—J. D., Archbishop of Chalcedon. Loval-Paris, August 11th, 1849." [33]

Under date of February 13th, 1850, Fr. González assured the Archbishop that neither sacred vessels nor vestments were needed, as the extinct missions had been well provided with these things. He also with deep regret informed Archbishop Bonamie that Father Lebret must have misunderstood about the seminary at Santa Inéz, as there was no thought of transferring that diocesan property, which action would exceed the powers of the Administrator; but his offer included only the management or administration of the college and property. Meanwhile he would with impatience be expecting the arrival of two priests and two lay-brothers to take charge of the seminary and farm, to the revenues of which they were welcome, though without authorization from the Holy See he could not relinquish the ownership, as the Archbishop well knew.[34]

In turn, under date of May 13th, 1850, the Superior-General of the Picpus Fathers, Archbishop Bonamie, wrote: "Your Reverence will doubtless be aware that a Bishop for the Diocese of California has been chosen. He is taken from the number of priests whom the Fathers of the Council of Baltimore proposed to the Pope. Furthermore, there was no intention to obtain the ownership of the land of the college, but only the use of it and of the produce. By means of the latter we expect to assist the missions in Oceanica. For the rest you can arrange the matter with Rt. Rev. Doumer, C.SS.CC., Coadjutor of the Vicar-Apostolic at Tahiti, who resides at Valparaiso, Chili. On April 23rd, last, I have sent four priests, one cleric, and three lay-brothers, of whom Rt. Rev. Doumer may send as many as he can spare to California. According to the opinion of the Cardinal Prefect of the Propaganda, and of my own, San Francisco

[33] Archb. Bonamie to Fr. González. "Sta. Barb. Arch."

[34] "Sta. Barb. Arch." He sent $1000 more for the expenses of the voyage.

SAN FRANCISCO IN 1849.

would be a good location for a college. The Cardinal has already intimated this to the new Bishop of California. Thankful for the money sent to defray the traveling expenses, etc. J. D. Bonamie, Archbishop of Chalcedon." [35]

At last, March 1850, three Fathers of the Congregation of the Sacred Hearts of Jesus and Mary arrived at San Francisco from Valparaiso. They were the Rev. John Gaspar Du Monteil, Rev. Thodosius Bossier, and Rev. Felix Migorel. Rev. Monteil received the usual faculties from Fr. González under date of April 25th, 1850, and was placed in charge of Mission San Francisco (Dolores).[36] Revds. Bossier and Migorel were given the faculties on May 2nd, 1850, and on the 7th of the same month formally placed in charge of the diocesan seminary at Santa Inés, Rev. Bossier as rector and Rev. Migorel as vice-rector. For their maintenance, as well as for the support of the college and inmates, the extensive farm and the live-stock were transferred to their administration, the sole condition being that, in keeping with the Council of Trent, they render an exact account to the Ordinary of the Diocese.[37]

Some days previously, Fathers Jimeno and Sánchez, till then in charge, had resigned, and withdrew to Mission Santa Barbara. In acknowledgment of their past services, the Venerable Administrator, under date of May 7th, 1850, addressed to them the following communication: "By the official note of Your Reverences, dated April 29th, last past, I am advised of your voluntary resignation of the direction and administration of the seminary of this diocese which from its foundation down to the present day you have so worthily had in your care, which resignation I accept with deep regret, merely to please you and to relieve you of the heavy charge.

"From the piety and noble sentiments that characterize

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[35] "Sta. Barb. Arch."

[36] "Libro de Gobierno"; Records of Mission San Francisco.

[37] "Libro de Gobierno"; "Libro Borrador." The two Fathers were also in charge of the mission stations of Santa Inés and Purisima.

Your Reverences I am convinced that for the assiduous and important labors which you have undergone for the founding and advancement of that seminary, you have had no other end in view, expected no other recompense, than that which is inseparable from every one who toils for the good. Sublime recompense! and the only one that can satisfy generous souls whom God destines for grand undertakings of public benefit. This reward is to be paid by God, our Lord, Whom Your Reverences have served and Who, I am certain, will reward you and crown you far above what is merited.

"However, this confidence in nowise lessens the gratitude which I as Administrator of the diocese owe you; but, inasmuch as the noble generosity of Your Reverences on the one hand, and the poverty and uselessness of my person on the other, embarrass me how to recompense you as you deserve, be pleased, Your Reverences, to accept at least the sincere homage of my gratitude, and the cordial thanks which I render you, as well in my name as in the name of this whole Diocese. While I live I shall offer my prayers to the Lord on high that forever in heaven may shine, and on this earth may never be forgotten, the distinguished names of the Rev. Fathers, the Founders of the Seminary of Our Lady of Guadalupe in California.

"On this same date there will be named to succeed Your Reverences, the Rev. Fathers Theodosius Bossier and Felix Migorel. I hope that, when Your Reverences turn over the church and the seminary in your charge, you will draw up in duplicate a minute inventory, one copy of which you will transmit for the archives of the diocese. May it please Your Reverences etc. Fr. José Maria de Jesus González, Santa Barbara, May 7th, 1850." [38]

Under date of August 19th, 1850, Rt. Rev. Antonio Doumer notified Fr. González that he was sending two more Fathers from Valparaiso.[39] These two priests, Rev. Flavian Fon-

[38] "Sta. Barb. Arch."; "Libro Borrador." So Fathers Jimeno and Sánchez withdrew from Santa Inés as poor as they had gone there.

[39] "Sta. Barb. Arch."

taine, C.SS.CC., and Rev. Anaclet Lestrade, C.SS.CC., landed at San Francisco in the latter part of September, 1850. They received, for the time being, the necessary faculties from Rev. Antonio Langlois, who had been appointed vicar forane for the northern part of the State, and on November 2nd they were formally authorized by Fr. González to exercise the ministry throughout the territory. Rev. Fontaine was appointed assistant to Rev. Du Monteil at Mission San Francisco, where he soon opened a school. Rev. Lestrade was likewise temporarily stationed at San Francisco, but later transferred to Los Angeles.[40] Thus, before the end of the year 1850, the Venerable Administrator had the happiness of seeing seven able members of the Society of the Sacred Hearts of Jesus and Mary actively engaged in the ministry of the diocese.

The Picpus Fathers, however, were not the only priests who came to fill the places of deceased Franciscans. Indeed, except in the case of Lebret and Holbein, they were preceded by two Jesuits and some secular priests, who happily took charge of the ever increasing immigrants. According to the *Libro de Gobierno,* Rev. José Maria Peñeiro of the Diocese of Valladolid, Spain, received the faculties on July 26th, 1849, and later on became temporary pastor of the Pueblo of San José. Rev. Francis Coyle, a native of Ireland, was admitted to the diocese on November 27th, 1849, and stationed in the City of San Francisco. At the invitation of Fr. González, Rev. Michael Accolti, S. J., and Rev. John Nobili, S. J.,[41] landed at San Francisco on December 8th, 1849. Their faculties, as granted by the Very Rev. Administrator, were dated February 1st, 1850. The former was recalled to Oregon in July, 1850; the latter assisted Rev. Peñeiro at the Pueblo of San José and at Mission San José. Rev. Peter Joseph Doubet from Paris, France, missionary-

[40] "Libro de Gobierno"; Records of San Francisco and Los Angeles.

[41] The names of Fathers Accolti and Nobili appear for the first time in the "Catholic Directory," year 1845, page 168, as missionaries to the Indians in Oregon Territory.

apostolic, was given authority to exercise his faculties at Los Angeles on February 1st, 1850. Rev. John Fahey, Diocese of Kilmacdough, Ireland, arrived at San Francisco in April, and on the first of the following month received the faculties, so that he could exercise the ministry at San Francisco and San Rafael. Rev. Fr. Peter Augustine Anderson, O. P., came to San Francisco in July or August, 1850. His faculties were dated September 17th of that year. He commenced St. Rose's Church, the first at Sacramento, and died there of the cholera in November of the same year.[42] Other priests who came before the close of 1850 were Rev. John Ingoldsby, Diocese of Chicago, who was granted the faculties on November 5th, 1850, and appointed for Sacramento; Rev. John Mary A. Delmas, Diocese of Cahors, France, arrived at San Francisco probably in June, 1850, and received temporary faculties from the vicar forane, then, November 5th, from Fr. González. He had, meanwhile, acted as assistant at Dolores.[43]

[42] "Libro de Gobierno"; "First Half Century," 22; 37.

[43] "Libro de Gobierno."

## CHAPTER VI.

Treaty of Peace with Mexico.—Governor Mason's Proclamation.—José Castro Permitted to Return.—Pio Pico Returns.—Mason's Instructions.—Colonel Stevenson's Report.—His Description of Pio Pico.—Pico's Pretensions.—The Governor's Action.—Indians Demoralized.—Situation at San Gabriel, San Luis Obispo, and San José.—Indian Horse-Thieves.—Lieutenant W. Sherman's Advice.—Mariano Vallejo in Favor of the Iron Hand.—Mason's Proclamation Against Liquor.—His Kindly Sentiments Towards the Natives.—His Instructions to Captain Hunter.—Punishment of Indian Horse-Thieves.—Depredations in Various Sections.—Mason's Lesson to M. Vallejo.—His Circular on Indian Disorders.—Directs that Priests Should Be Assisted.

MOST important events had meanwhile occurred in the military and civil order, which, for the sake of clearness and completeness, it will be necessary to relate here. The United States Army under General Winfield Scott marched into the Mexican Capital on September 14th, 1847, sixteen months after the declaration of war. An armistice was agreed to on February 29th, 1848, pending the ratification of the treaty of peace concluded at Guadalupe Hidalgo [1] on February 2nd. The U. S. Senate confirmed the treaty on March 10th; the Mexican Congress, assembled at Querétaro, ratified it on May 30th, 1848. Mexico, accordingly, recognized Texas as a part of the United States, and ceded to the same power all the territory embraced in the States of California, Arizona, and New Mexico.[2] The United States, on the other hand, agreed to pay Mexico an indemnity of $15,-

[1] Town of Guadalupe, near the famous shrine, a short distance from the capital.

[2] except that portion south of the Gila extending from the Rio Colorado to the Rio Grande. This narrow strip, called the Gadsden Purchase, was ceded by Mexico, on December 31st, 1853, for $10,000,000.

000,000, and to assume all liabilities for damage due American citizens.[3]

The official news of the treaty of peace reached Governor Mason at Monterey on August 6th, 1848. He announced the glad tidings to the people on the very next day in a proclamation as follows:

*"To the People of California.*

"The undersigned has the pleasure to announce the ratification of a treaty of peace and friendship between the United States of America and the Mexican Republic, by which Upper California is ceded to the United States. The boundary separating this country from Lower California 'consists of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific ocean distant one marine league due south of the southernmost point of the port of San Diego.'

"By the conditions of this treaty, those residing within the limits of this territory thus ceded, who may wish to become citizens of the United States, are absolved from all further allegiance to the Mexican Republic, and will at the proper time (to be judged of by the Congress of the United States) be incorporated into the Union, and admitted to the enjoyment of all rights and privileges granted by the Constitution to American citizens. Those who wish to retain the character of Mexicans will be at liberty to do so, and also to retain their property in this territory, or to dispose of it and remove the proceeds thereof wherever they please; but they must make their election within one year from the 30th day of May last, and those who remain after the expiration of that year without declaring their intention to retain such character will be considered to have elected to become citizens of the United States. In the meantime they will be protected in the free enjoyment of their liberty and property, and *secured in the free exercise of their religion.* They, however, are

[3] "Halleck's Report," 597; Gleeson, ii, 168; Bancroft, "Mexico," v, 540-542; 652-653; "California," v, 590-592; "Arizona," 491-494; Hittell, ii, 653-654; iii, 742.

reminded that, as war no longer exists, and as Upper California now belongs to the United States, they owe a strict obedience to the American authorities, and any attempt on their part to disturb the peace and tranquillity of the country will subject them to the severest penalties.

"The undersigned has received instructions from Washington to take proper measures for the permanent occupation of the newly acquired territory. The Congress of the United States (to whom alone this power belongs) will soon confer upon the people of this country the constitutional rights of citizens of the United States; and, no doubt, in a few short months we shall have a regularly organized territorial government; indeed, there is every reason to believe that Congress has already passed the act, and that a civil government is now on its way to this country, to replace that which has been organized under the rights of conquest. Such territorial government will establish all local claims and regulations which, within its legitimate powers, it may deem necessary for the public welfare. In the meantime the present civil officers of the country will continue in the exercise of their functions as heretofore, and when vacancies exist or may occur, they will be filled by regular elections held by the people of the several towns and districts, due notice of such elections being previously given. The existing laws of the country will necessarily continue in force till others are made to supply their place.

"From this new order of things there will result to California a new destiny. Instead of revolutions and insurrections, there will be internal tranquillity; instead of a fickle and vacillating policy, there will be a firm and stable government, administering justice with impartiality, and punishing crime with the strong arm of power. The arts and sciences will flourish, and the labor of the agriculturist, guided by the lamp of learning, will stimulate the earth to the most bountiful production. Commerce, freed from the absurd restrictions formerly imposed, will be greatly extended; the choked up channels of trade will be opened, and the poisoned fountains of domestic faction forever dried up. Americans

and Californians will now be one and the same people, subject to the same laws, and enjoying the same rights and privileges; they should therefore become a band of brothers, emulating each other in their exertions to develop the wealth and resources, and to secure the peace, happiness, and permanent prosperity of their common country. Done at Monterey, California, this seventh day of August, 1848. R. B. Mason, Colonel 1st Dragoons, Governor of California."[4]

Long before peace had been concluded, however, José Castro applied for a permit to return to his native home. Governor Mason granted the petition in this fashion: *"To All Whom It May Concern:* Know ye, that I, Richard B. Mason, Colonel of the 1st Regiment United States Dragoons and Governor of California, do hereby grant unto Colonel José Castro, late commandant-general of California, a free passport to return to Monterey, in Upper California, where he will be kindly and well received by the undersigned and all United States authorities. All United States naval officers on the western coast of Mexico and California are requested to aid in facilitating the return of the said Castro to Monterey. Given at Monterey, the Capital of California, this 17th day of June, in the year of our Lord 1847, and the seventy-first of the Independence of the United States. R. B. Mason, etc."[5]

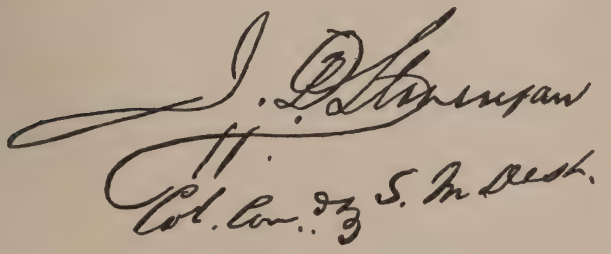
Ex-Governor Pico, availing himself of the armistice, also turned his face to California, but, disdaining to ask permission, he suddenly arrived at San Diego on July 6th, 1848. Colonel Stevenson, military commander of the southern district, at once notified Governor Mason, who under date of July 21st, 1848, through Secretary of State Halleck instructed the colonel as follows: "You will require Don Pico to immediately report himself to you, and to give his written parole of honor that he will take no part whatever in the existing

[4] "Halleck's Report," 590-591. Let the reader compare with this conciliatory proclamation the ebullition of the Mexican usurpers of our time. The italics are ours.

[5] "Halleck's Report," 323.

war between the United States and Mexico, either by bearing arms himself or by inducing others to do so, or by giving the Mexicans any aid or assistance of whatsoever character. Should he refuse to give such parole, he will be held as a prisoner of war." [6]

On July 20th, 1848, Colonel Stevenson from Los Angeles reported to Governor Mason that Pio Pico had left San Diego without presenting himself to the military commander of that place; that he had stated to some persons that he had returned with full powers to resume his gubernatorial functions, and that he had only to exhibit his credentials to Governor Mason to have the civil government turned over to him; that the people in consequence had become excited; that he had come within eighteen miles of Los Angeles, and was on his way to San Fernando, declaring that he had no intention to report to the military commander at Los Angeles; that thereupon he (Stevenson) had despatched an officer with a detachment of



Signature of Col. J. D. Stevenson.

dragoons to arrest Pico, which had alarmed the pretender to such a degree that he, on Tuesday the 18th of July, presented himself about eight o'clock in the evening. "He was unaccompanied even by a servant," writes Stevenson. "I received him kindly, told him I had no desire to treat him harshly, but that the American authorities must be respected, and if he had not come in, I should certainly have arrested him. He informed me that he had left Guaymas on the 22nd of May, crossed to Mulegé, which he left for California on June 3rd,

[6] "Halleck's Report," 572.

and arrived at San Diego July 6th. . . . He brings with him no other authority for his return, and says he desires to live peaceably, and attend to his private affairs. He denies ever having said that he came back with powers to resume his gubernatorial functions,[7] and that he rebuked such of his friends as he had seen for their last attempt at a revolution, and advises that they remain quiet and obey the laws, as no part of the people of the conquered Mexican territory have been treated as kindly as the Californians have been by the American authorities. He thanked me for my personal kindness to his family and countrymen in general, and said if I would permit him he would go to San Fernando, from whence he would answer that part of my order which required a written communication from him. I gave him permission to leave, and offered him an escort, which he thanked me for, but declined.

"Don Pio Pico is about five feet seven inches high, corpulent, very dark, with strongly-marked African features;[8] he is no doubt an amiable, kind-hearted man, who has ever been the tool of knaves; he does not possess more intelligence than the ranchéros generally do; he can sign his name, but I am informed cannot write a connected letter; hence, as he informed me, he would be compelled to send for his former secretary before he could answer my order or communicate with you. . . .[9] P. S.—Since writing the above, I have received the enclosed note from Don Pio Pico, enclosing a communication to Your Excellency. In the note of Don Pio to me, you will perceive that he is no sooner arrived at San Fernando than he claims to have returned to California as its

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[7] According to Bancroft, v, 589, however, Pio Pico simply disavowed any hostile intentions.

[8] The grandfather of Pio Pico was Santiágo de la Cruz Pico, a Mestizo. The wife of Santiágo, grandmother of Pio Pico, was Jacinta de la Vastida, a mulatta. (Zoeth S. Eldredge, author of "Beginnings of San Francisco.")

[9] Good Col. Stevenson allowed himself to be imposed upon. We do not believe that Pio Pico needed a mentor either in penmanship or diction.

Mexican governor, to carry out the provisions of the armistice. I shall not answer his note until I have heard from you; but I shall keep an eye on him, and if he is preaching sedition, I will bring him in here at short notice." [10]

The letter of Pio Pico to Governor Mason read as follows: "Most Excellent Sir: As Mexican Governor of California, I have come to this country with the object that the armistice agreed upon in the City of Mexico, on the 29th of last February, by the generals-in-chief of the forces of the United Mexican States and those of the United States of the North, be observed herein. In making this declaration to Your Excellency, the just principle on which it is founded fills me with confidence; and from the favorable information which I possess respecting the qualifications which adorn Your Excellency, I trust that my mission to California will produce its due effect.

"For which reason, and in due observance of the beforementioned armistice, I have the honor to address myself to Your Excellency, requesting that you will be pleased to expedite your orders to the end that, in the places in California occupied by the forces of the United States of America, no impediment be placed in my way towards the establishment of constitutional order in a political, administrative, and judicial manner.

"It is my desire that the Mexicans and Americans look upon and consider themselves with the most sincere fraternity; and, in accordance with this principle, I feel disposed to cooperate with Your Excellency in surmounting any difficulties which may arise in the business which occupies us.

"This opportunity offers me means of protesting to Your Excellency the assurances of my distinguished consideration and respect.

"God and Liberty! San Fernando, July 22nd, 1848.—Pio Pico.

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[10] "Halleck's Report," 598-600.

"His Excellency, R. B. Mason,

Governor and Commander-in-Chief of the forces of the United States in California, Monterey."—

"I, the undersigned, do hereby certify the foregoing to be a correct translation of the original document.—W. E. P. Hartnell, Government Translator. Monterey, August 19th, 1848." [11]

Reporting to the Adjutant-General of the U. S. Army at Washington, Governor Mason wrote: "I enclose you a translated copy of his (Pico's) letter to me of July 22nd, with a copy of Colonel Stevenson's letter of July 20th. These letters were received by me on the 3rd of August; and as Pico's presence in the country, with such absurd pretensions, might have led to seditious acts, I forthwith despatched a courier to Los Angeles with orders for Colonel Stevenson to arrest him and send him here by sea, whence I proposed shipping him to Oregon or some foreign country. The treaty of peace was received three days afterwards, and was immediately communicated to Colonel Stevenson, with directions to restore Pio Pico to liberty." [12] Pico was thereupon set free, but he never again became prominent in the affairs of the territory. When he signed the decree for the sale of the missions, he signed his own political death warrant.

The Mexicans and paisanos had at length submitted to the inevitable; but what of the Indians? The American forces in California soon learned from experience that a criminal blunder had been committed when the neophytes were "liberated" from the supervision of the kindly missionaries. The latter, as we know, had time and again warned those in control of the territorial affairs against "emancipating" the mission Indians before they had proved capable of realizing that liberty did not mean license; otherwise, like unruly school boys, the vicious among the neophytes would abuse their freedom, surrender themselves to a dissolute life, or join the savages of

[11] "Halleck's Report," p. 602; Bancroft, v, 589.

[12] Mason to Gen. Jones, August 23rd, 1848. "Halleck's Report," 601-602.

the desert and mountains, and inflict damage upon the property of the settlers, not to speak of the injury to the missions which would be deprived of hands for cultivating the fields and caring for the live-stock.

Out of animosity to the members of religious Orders, who could not be converted into "liberals," Governor Echeandía, and later the paisano chiefs through cupidity, insisted on liberating the convert Indians from "slavery," which practically meant setting them adrift. The consequences scarcely pleased the authors of the worse than foolish act, as the reader will have observed in previous chapters. By the time the Americans assumed charge of the country, the evil had become acute. Details belong to the local history, but a few instances will help the reader to infer the situation all over California.

As early as 1841 Prefect Santiágo Argüello of the Los Angeles district, writing to Don José de la Guerra of Santa Barbara, complained that "the unfortunate missions of San Gabriel and San Juan Capistrano, under the mayordomos, had been converted into brothels."[13] Fr. Esténaga, at his wits' end, because those concerned were independent of him, appealed to the governor, but, apparently, time wrought no improvement; for Governor Pio Pico five years later called the attention of the alcalde of Los Angeles to complaints he had received from citizens who objected to having Indians pass through the streets in a drunken condition and committing other disorders.[14]

Coming north, we find W. G. Dana, from his rancho of Nipomo near San Luis Obispo, writing to Governor Mason on June 6th, 1847: "Society is reduced here to the most horrid state. The whole place has for a long time past been a complete sink of drunkenness and debauchery. Alcalde's

[13] "Porque no se echa una mirada á las desventuradas misiones de San Gabriel y San Juan Capistrano? Estas se han convertido en lupanares de los señores mayordomos." "De la Guerra Papers," vol. vii, 82-83. Bancroft Collection.

[14] Pico to alcalde, February 20th, 1846. "Cal. Arch.," Dep. St. Pap., Angeles x, 850-851.

orders are made nugatory by want of force to restore order. The more respectable reside on their farms at some distance from the mission, and it is morally impossible that they could unite (in case of an outbreak) in season to be of any service. A military force is absolutely necessary in the place. The wild Indians are committing raids and carrying off droves of horses. Californians and foreigners formed a party and went after them. In a week they returned; they had found the Indians too strong. If some prompt measures are not adopted, the farmers will have to abandon their ranches. Horrid murders are reported at San Luis by the alcalde." [15]

The following note to the alcalde of San José speaks for itself.

"Headquarters, Tenth Military Department,
Monterey, California, September 6th, 1847.

"Sir: Your letter of the 2nd instant reached Colonel Mason the evening before last; six days had then passed since the Indians had succeeded in driving off Captain Fischer's horses, and it was therefore too late to pursue them from this place. An expedition will start for the Tulares as soon as it can be fitted out, to look after these thieving Indians, and to adopt such measures as may check for a time their depredations.

"The people of every neighborhood or district, however, the moment they hear of the Indians stealing or attempting to steal a lot of horses, should collect together, pursue and kill them, or at least show them that a pursuit was made. You may tell the people of your district, that, if they catch Indians in the act of stealing or attempting to steal their horses, they should shoot them; but, if they are merely loitering about, then to send them to the nearest alcalde, who will judge whether they be quiet Indians or hostile thieves.

"Regulations are being now issued through all California

[15] "Cal. Arch.," Unbound Documents, 168, Bancroft Collection. Wm. Richardson of San Leandro, on April 25th, 1847, complained to General Kearney about Indian depredations. "Cal. Arch.," Unbound Documents, 168-169.

for the Indians belonging to pueblos, settlements, or ranchos, to receive from their employers, or alcaldes of their districts, papers, which they must keep about their persons, so that all others who are found without such papers will be treated as horse-thieves and enemies.

I have the honor to be, your most obedient servant,

W. T. SHERMAN,

1st Lieut. 3d Artillery, A. A. Adjt. General.

John Burton, Alcalde, Pueblo de San Jose." [16]

What Governor Mason's real sentiments were regarding the misguided Indians, will appear presently; but there was one who agreed perfectly with Sherman's drastic recommendations: Don Mariano Vallejo. This will surprise the readers, inasmuch as Vallejo had been loudest at falsely accusing the missionaries of treating the Indians harshly, whilst at the same time he boasted of his own gentleness towards the natives.[17] "Most Excellent Sir," he wrote to Governor Mason on October 30th, 1847, "I have sought at all times the means of regulating the management of Indians, as well for their private benefit, as to amalgamate them, as far as possible, with the whites, and that they might be mutually useful to each other; but in a lawful and decent manner agreeable to the education of the age; but in spite of my vigilance and profound meditations I have found no other but rigor—a strange thing, certainly, but it is an undoubted truth.

"This race of people appears to be a peculiar race, and although in their youth capable of the best education, when they pass this age, there is no moderate way of inducing them to leave their miserable manner of living like brutes, and consequently they are incompatible with our manners and customs.

"The young Indians seeing this example are naturally inclined to their customs, and it is very difficult to break them of the habits which they have practised in their tender age and the attraction towards them is irresistible, notwithstand-

[16] "Halleck's Report," 355.

[17] See vol. iii, this series, pp. 485; 592-594.

ing persuasion, conviction and the ambition to which they might aspire to better their condition in society, be presented to them in the most clear and simple manner.

"I, Governor, have been for many years the protector of this singular, unhappy, and degraded race,[18] which, if it requires, indeed, all the protection of the government to civilize it and free it from atrocious vexations, it is at the same time necessary that it should feel the weight of an iron hand, for otherwise, the white race will perish; they will lose confidence, their property will suffer greatly, and this handsome portion of Upper California will begin to suffer from the Indians of which they have hitherto been merely witnesses, and which now begins here with all the force of which they are capable.

"Vagabondism, scandalous drunkenness, robberies, wounds and murders are committed by the Indians in this jurisdiction with great frequency, and immorality and prostitution is the consequence.

"They understood liberty has broken the reins of subordination; and if this, in civilized society, is an evil of great consequence, what must it be when civilization is wanting?" [19]

Vallejo then proposed certan measures for eradicating the evil. The fifth and last of his remedies runs thus: "To have a spacious and strong prison built for shutting up those who do wrong, making them labor at public works; and that a military cavalry force be established to be destined solely for the persecution and vigilance of the Indians, which force should at present consist of not fewer than fifteen men at this place." [20] It will be observed that during the mission period, when a mission was once established, no such force at a mission, even when the neophytes numbered between fifteen hun-

[18] It would be difficult to show where and when Vallejo had proved himself the protector of Indians. The friars, whom he maligned, so proved.

[19] A question Vallejo should have put to himself from 1830-1845.

[20] Vallejo to Gov. Mason, October 30th, 1847. "Cal. Arch.," Unbound Documents, 94-97. Bancroft Collection. The translation is W. Hartnell's.

dred and three thousand, was necessary. Often there was only the semblance of a guard, one to three soldiers being sufficient. Nevertheless it was precisely this Mariano Vallejo who railed most at the missionaries.

One of the causes of Indian turbulence, doubtless, was the use of vile liquor. Governor Mason, therefore issued the following

"PROCLAMATION.

"From and after the first day of January, eighteen hundred and forty-eight, if any person shall sell, exchange, give, barter, or dispose of, or in any way connive at selling, exchanging, giving, bartering, or disposing of any spirituous liquor or wine to an Indian, such person shall, upon conviction before an alcalde, forfeit and pay the sum of not less than three nor more than one hundred dollars, and be imprisoned for not less than three nor more than six months. One-half of all fines recovered under this proclamation shall go to the benefit of the informer, and the other half to the benefit of the town or jurisdiction where the prisoner may be confined; and in all prosecutions arising under this proclamation, Indians shall be competent witnesses.

"Done at Monterey, the Capital of California, this twenty-ninth day of November, eighteen hundred and forty-seven, and of the seventy-second of the Independence of the United States.—R. B. Mason, *Colonel 1st Dragoons, Governor of California.*" [21]

Mason's kindly feelings towards the guideless Indians may be inferred from a letter to Captain J. D. Hunter, Sub-Indian Agent at San Luis Rey. "Sir," he writes on December 1st, 1847, "I am in receipt of a letter, dated 14th November, from Mr. J. J. Warner, complaining of the Indians committing depredations on his stock, etc.; also, a letter from Colonel Stevenson, of the 16th November, enclosing a com-

[21] "Halleck's Report," 437.

munication from Mr. Warner, and papers, concerning his claim to the land on which the Indians reside,[22] etc., etc.

"Things must remain as at present until the time arrives when the proper tribunals, to be established in the country, shall set at rest all these disputed land questions. In the interim, however, you will, *after consulting with Mr. Warner,* establish regulations among the Indians of whom Mr. Warner speaks, for their better government, and for the protection of Mr. W.'s property—letting the chiefs know that, if they desire the friendship and protection of the American Government, they must not only abstain from committing depredations upon the property of Mr. Warner and all other citizens of California, but they must endeavor, as far as practicable, to prevent other Indians from committing the same. It will be well to establish some kind of police among the Indians, by making them appoint alcaldes,[23] from among themselves, for their own better government, and for preventing offences against the peace and good order of the neighborhood, etc.

"I deem it important, as a military measure, to sustain Mr. Warner in that position, and to keep up a good understanding with these Indians, and I therefore desire that you use every effort to conciliate them, and get them, as far as practicable, to gain a comfortable subsistence by cultivating the soil, and to abandon their depredatory habits. In your intercourse with them assure them that it is the wish of the United States to take all the red people by the hand, and treat them as friends, etc.; but if they continue to destroy the stock of the people of the country, we shall treat them as enemies. I am etc., R. B. Mason, Colonel, etc., Governor of California.—Captain J. D. Hunter, Sub-Indian Agent, San Luis Rey." [24]

How Indian horse-thieves were dealt with may be seen

[22] The Supreme Court of the United States finally, in the year 1901, decided the case against the Indians, who were then removed to Pala.

[23] This custom prevailed in the extinct missions.

[24] "Halleck's Report," 438.

from a note which Governor Mason, on December 20th, 1847, directed to James W. Weeks, alcalde of San José. The punishments applied seem to have been of little avail, wherefore Mason suggests a more effective one. "Sir," he writes to the distracted official, "I am in receipt of your letter of the 4th instant. The practice has been to sentence persons convicted of horse stealing to a fine and a certain length of time to hard labor on any sort of general or public work, the length of service to be according to the nature and degree of the offense; and in very aggravated cases, I think, in addition to the imprisonment and hard labor, a *sentence of fifty lashes would have a salutary effect.*"[25]

"Mr. Branch," Mason writes to John Price, alcalde of San Luis Obispo, on March 21st, 1848, "has called upon me, delivered your message, and reported the many serious depredations recently committed near San Luis Obispo by the Indians. He informs me that the people cannot pursue the Indians for want of ammunition. You should organize a party, say twenty-five or thirty good men, and hold them in readiness to move at a moment's warning in pursuit of the Indians, where depredations are committed. I will deliver to your order twenty-five or thirty pounds of powder, and a proportionate quantity of lead, to be used by such organized party, when, in accordance to your instructions, they may be called on to go in pursuit of Indians who have committed depredations upon the ranchos and run off bands of horses. You must be responsible that this ammunition is not applied to improper purposes; that it is taken care of, and only used for the service for which it is intended." [26]

Indians continued disorderly throughout the year 1848, especially in the north. It must at last have dawned upon the anti-missionary mind of the very Mariano Vallejo that, even from a worldly point of view, it would have been wiser to assist the devoted friars in every way possible, instead of removing them from the administration of the missions. The

[25] "Halleck's Report," 445. The italics are ours.

[26] "Halleck's Report," 496-497.

American officials, as we shall learn presently, had long come to that conclusion. Moreover in the matter of reporting Indian depredations, as in other things, Vallejo was apt to overdraw the description, and Governor Mason must have experienced as much. That would explain the following note and its wholesome lessons, which it is a pity Don Mariano did not receive from fifteen to twenty years before.

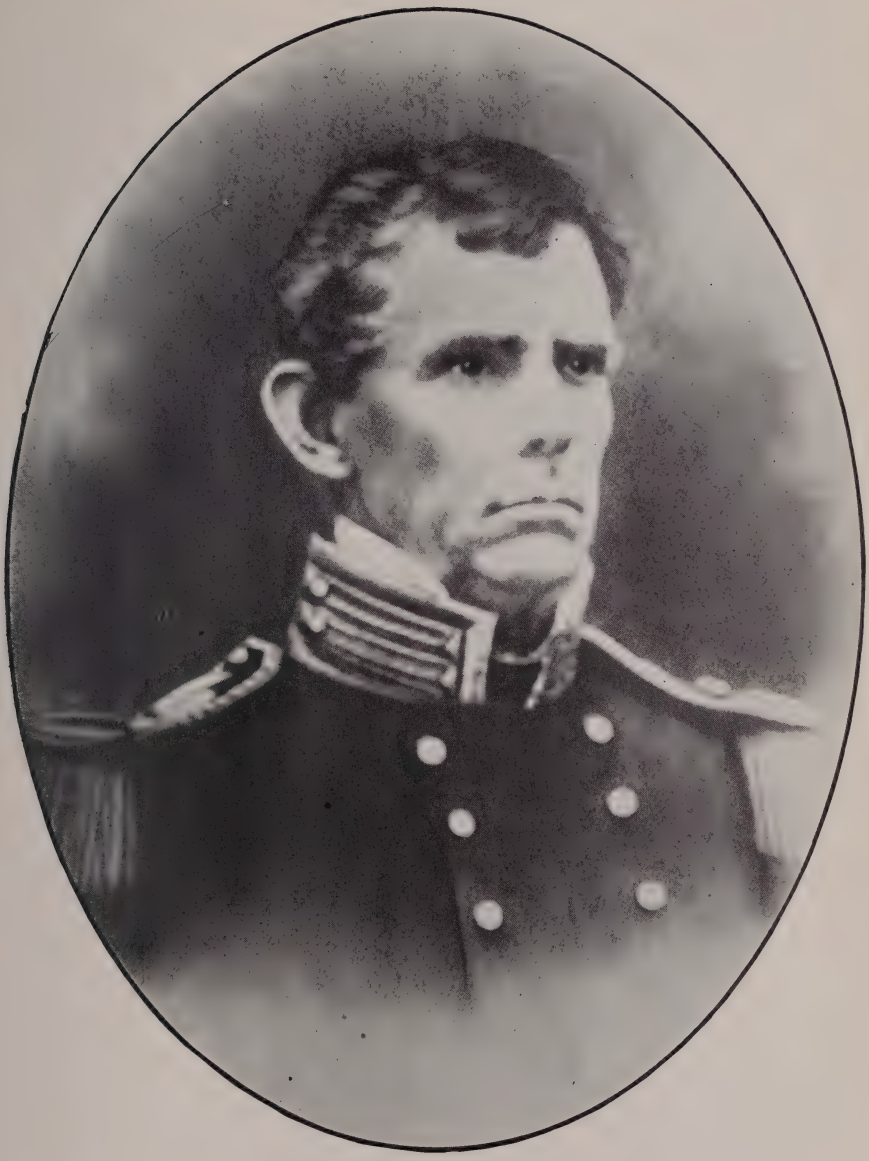
"Sir," Halleck writes to Vallejo on December 19th, 1848, "I am directed by the Governor to acknowledge the receipt of your letter of the 30th ultimo, giving information of reported Indian depredations near Clear Lake, some sixty miles from Sonoma, and asking what measures it is your duty as sub-Indian agent to take in such cases.

"As there are frequent rumors of this kind, which, upon investigation, turn out to be untrue, or at least generally exaggerated, it is made one of the principal duties of the Indian agency to ascertain the real facts in such cases, and to communicate them to the superior authorities for their information and guidance.

"The present reduced state of the garrisons in the northern part of this Territory renders it impossible for the Governor to send out detachments of troops into the Indian country; and if the Indians commit depredations upon the frontier ranchos, the people should arm themselves and punish the depredators. In such cases the sub-Indian agent *should see that no unjust punishments are inflicted, and that pretended robberies be not made a pretext for maltreating and murdering the natives.*" [27]

The preceding correspondence, as well as the orders and regulations issued in consequence, in marked contrast to the conduct of the former Mexican and paisano officials, clearly demonstrate the kindly dispositions of the American authorities towards the Indians, especially of Governor Mason and his faithful Secretary of State Halleck. Both cannot be too

[27] "Halleck's Report," p. 682. The italics are ours. Col. Mason and Capt. Halleck received scant recognition from California which owes them more than any other two men of the civil or military order.



COLONEL RICHARD B. MASON.

highly praised for their sense of justice, and for their moderation in dealing with the Indians and the representatives of Religion. The subjoined document offers additional evidence of their fair and kindly sentiments. It also intimates the real cause of the disorders in the territory, and will on that account, doubtless call forth more sincere and deep regret that the United States flag was not made to wave over California eighteen years before.

"CIRCULAR,

*To Alcaldes, Indian Agents, and Others.*

State Department of the Territory of California
*Monterey, March 31st, 1849.*

"Representations having been made that the Indians of the southern missions of this Territory, freed from the restraint formerly imposed upon them by the military and ecclesiastical authorities of the country, have contracted habits of indolence and vice, and are now reduced to a state of great destitution and want, trusting mainly to charity and theft for the means of subsistence, their condition calls not only for our commiseration, but for some active measure to protect society from their vices and to save the Indians themselves from total destruction. It would hardly be possible, even if it were desirable, to restore the missions to their former conditions, or to give over to the priests the same control which they formerly exercised over the neophytes; but it is believed that if the local authorities will unite with the priests in their endeavors to subject the Indians to wholesome restraints, much may be accomplished towards inducing them to pursue a more honest and industrious course of conduct. It is, therefore, the wish of the governor that all magistrates and other civil authorities lend their aid and assistance to the mission priests, in all proper endeavors to ameliorate the condition of these Indians, by inducing them to cultivate their lands and to observe such local regulations as may be conducive to morality and good order.

"By the laws of California the mission Indians have the right to elect their own alcaldes, who, with the advice and

assistance of the mission priests, make all the necessary regulations for their own internal government. In case of any violation of law, they are liable to trial and punishment by the alcaldes of the nearest towns in the same manner as the whites, but in their own internal government they should not be interfered with, and the civil authorities should give to the missionaries and Indian alcaldes their countenance and assistance in promoting industry, decency, morality, and good order among the neophytes.[28] Such a course is not only required by the existing laws of the country, but is the one best calculated to secure the welfare of the Indians and the good of society." [29]

When, in April, 1849, General B. Riley succeeded Colonel Mason as governor of California, the Indian depredations had not yet ceased. On the contrary, he felt constrained to issue a proclamation, dated May 6th, 1849, in which among other things he announced: "It is desirable that a portion of these (military) forces should be employed in maintaining order in the gold districts, and also in restraining the Indian horse-thieves, who, in the absence of the ranchéros from the southern districts are driving the horses to the mountains and committing numerous robberies and murders." [30]

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[28] The Mexican and paisano chiefs had adopted an opposite course. Setting aside conscience, common sense, justice, and the experience of ages, and blindly obeying their Voltairian readings and the counsels of French infidels, as well as their own cupidity, they everywhere eliminated the unselfish missionary priests, the only persons who could successfully manage the Indians. Not only the Indians, but the whole territory was now suffering from the folly. Clearly, the Americans would have let the missions and missionaries alone.

[29] "Halleck's Report," pp. 701-702. Spanish copy by W. Hartnell and approved by Gen. Riley, April 20th, 1849, in "Sta. Barb. Arch."

[30] "Halleck's Report," p. 760.

## CHAPTER VII.

Indians Not Alone Blamable.—Their Complaints.—Degradation of the Mission Indians.—Bartlett's Description.—Los Angeles Star's Regrets.—Indians Cheated, Maltreated, Massacred.—Horrible Butchery in Nome Cult Valley.—Massacre at Humboldt.—Chief Causes of the Disappearance of the Indians.—Reservation System Introduced.—Poor Copy of the Mission System.—Dwinelle's Regrets.—Home Rule for California.—The People's Demands.—General Riley's Call for a Convention.—Election of State Officials.—California Admitted Into the Union of States.—General Riley's Thanksgiving Proclamation.—Fr. González's Circular.

IT would be manifestly unjust to put all the blame for the lawlessness of a large number of Indians on these natives alone. Deprived of their spiritual guides, from whom by word and example they had learned to submit even to unjust treatment rather than to return evil for evil, the emancipated neophytes, and the savages with whom they now associated, simply yielded to their wild instincts, and in many cases, as was seen in preceding chapters, only turned on their tormentors and retaliated. "The Indians told me," writes Mofras, "of the outrages they endured from the whites, who deprived them of the few cattle which had been given them, and pastured their own herds upon the small patches of ground, which had been assigned to the neophytes for cultivation. 'You see,' they said, 'how wretched we are; the Fathers can no longer protect us, and the civil authorities themselves pillage us.[1] Is it not pitiable to see them tear from us those missions which we have built, those immense herds gathered by our care, and to be ourselves and our families exposed to the worst of treatment? Shall we then be guilty if we defend ourselves, and if, when we return to our tribes

[1] This was only too true at the time that Mofras visited California, when the comisionado system stood in full bloom. The wrongs suffered then still rankled in the bosom of the neophytes who had been "freed" to starve or steal.

in the Tulares, we take all the cattle that follow us?'" [2] Unfortunately for the misguided natives, the whites in turn would retaliate by making raids into the Indian country, in which whole villages were consigned to slaughter, rapine, and fire, by the wild and indiscriminating fury of revenge.

Enough of this, however. It is sufficient to have made it clear that, for many years after the confiscation of the missions and the dispersion of the natives, wholesale depredations were committed all over California, which would not have occurred if the kindly missionaries had been allowed to continue their paternal charge over the Indians whom they had weaned from paganism at great cost of labor and anxiety. The Californians were now but harvesting what they had sown, just as the missionaries had predicted would be the consequence. Ultimately, indeed, the military succeeded in putting a stop to wholesale robberies; but the Indians then gave trouble in another way, as many of them had done all along.

"I saw more Indians about this place," [3] Bartlett, for instance, notes on April 22nd, 1852, "than in any part of California I had yet visited. They were chiefly 'Mission Indians,' i. e. those who had been connected with the missions, and derived their support from them until the suppression of those establishments. They are a miserable, squalid-looking set, squatting or lying about the corners of the streets, without occupation. They have now no means of obtaining a living, as their lands are all taken from them; and the missions for which they labored, and which provided after a sort for many thousands of them, are abolished. No care seems to be taken of them by the Americans; on the contrary, the effort seems to be, to exterminate them as soon as possible. One of the most intelligent of them, who was brought to me by the kindness of my friends here, was unacquainted with the name of the tribe to which he belonged, and only knew that it had been attached to certain missions." [4]

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[2] Mofras, "Exploration," i, 345.

[3] Los Angeles.

[4] Bartlett, "Personal Narrative," ii, 82.

Next day Bartlett quotes from the "Los Angeles Star" of the same month concerning the Indians of Mission San Gabriel: "They are represented to have been sober and industrious, well clothed and fed; and seem to have experienced as high a state of happiness as they are adapted by nature to receive. These five thousand Indians [5] constituted a large family, of which the Padres were the social, religious, and we might almost say political heads.

"Living thus, this vile and degraded race began to learn some of the fundamental principles of civilized life. The institution of marriage began to be respected, and, blessed by the rites of religion, grew to be so much considered that deviations from its duties were somewhat unfrequent occurrences. The girls, on their arrival at the age of puberty, were separated from the rest of the population, and taught the useful arts of sewing, weaving, carding, etc., and were only permitted to mingle with the population when they had assumed the character of wives.

"When at present we look around and behold the state of the Indians of this country—when we see their women degraded into a scale of life too menial to be even domestics—when we behold their men brutalized by drink, incapable of work, and following a system of petty thievery for a living, humanity cannot refrain from wishing that the dilapidated Mission of San Gabriel should be renovated, its broken walls be rebuilt, its roofless houses be covered, and its deserted halls be again filled with its ancient industrious, happy, and contented original population." [6]

Nine years later, a correspondent of "Harper's Monthly," published by one of the most bitterly anti-Catholic firms of the time, described his observations thus: "As California became more settled, it was considered profitable, owing to the high rate of compensation for white labor, to encourage the Christian Indian tribes to adopt habits of in-

[5] Number greatly exaggerated. The highest number was 1701 in 1817.

[6] Bartlett, "Personal Narrative," ii, 83-84.

dustry, and they were employed very generally throughout the State. In the vine-growing districts they were usually paid in native brandy every Saturday night, put in jail next morning for getting drunk, and bailed out on Monday to work out the fine imposed upon them by the local authorities. This system still prevails in Los Angeles, where I have often seen a dozen of these miserable wretches carried to jail roaring drunk of a Sunday morning. The inhabitants of Los Angeles are a moral and intelligent people, and many of them disapprove of the custom on principle, and I hope it will be abolished as soon as the Indians are all killed off. Practically it is not a bad way of bettering their condition; for some of them die every week from the effects of debauchery, or kill one another in the nocturnal brawls which prevail in the outskirts of the pueblo.

"The settlers in the northern portions of the State had a still more effectual method of encouraging the Indians to adopt habits of civilization. In general they engaged them at a fixed rate of wages to cultivate the ground, and, during the season of labor, fed them on beans and gave them a blanket or a shirt each; after which, when the harvest was secured, the account was considered squared, and the Indians were driven off to forage in the woods for themselves and families during the winter. Starvation usually wound up a considerable number of the old and decrepit ones every season; and of those that failed to perish from hunger or exposure, some were killed on the general principle that they must have subsisted by stealing cattle, for it was well known that the cattle ranged in the vicinity; while others were not unfrequently slaughtered by their employers for helping themselves to the refuse portions of the crop which had been left in the ground. It may be said that these were exceptions to the general rule; but if ever an Indian was fully and honestly paid for his labor by a white settler, it was not my luck to hear of it. Certainly, it could not have been of frequent occurrence.

"The wild Indians inhabiting the Coast Range, the val-

CAUSES OF INDIAN RUIN:—THE WHITE MAN'S GREED; THE WHITE MAN'S VICES AND DISEASES; THE WHITE MAN'S WHISKEY. (An actual scene near Mission San Luis Rey thirty years ago.)

leys of the Sacramento and San Joaquin, and the western slope of the Sierra Nevada, became troublesome at a very early period after the discovery of the gold mines. It was found convenient to take possession of their country without recompense, rob them of their wives and children, kill them in every cowardly and barbarous manner that could be devised, and when that was impracticable, drive them as far as possible out of the way. Such treatment was not consistent with their (Indians') rude ideas of justice. At best they were an ignorant race of Diggers, wholly unacquainted with our enlightened institutions. They could not understand why they should be murdered, robbed, and hunted down in this way, without any other pretense or provocation than the color of their skin and the habits of life to which they had always been accustomed.

"At Nome Cult Valley, during the winter of 1858-1859, more than a hundred and fifty peaceable Indians, including women and children, were cruelly slaughtered by the whites who had settled there under official authority, and most of whom derived their support either from actual or indirect connection with the reservation. It was alleged that they had driven off and eaten private cattle. Upon investigation of this charge, made by the officers of the army, it was found to be entirely destitute of truth; a few cattle had been lost, or probably killed by white men, and this was the whole basis of the massacre. Armed parties went into the rancherias in open day, when no evil was apprehended, and shot the Indians down—weak, harmless, and defenseless as they were —without distinction of age or sex; shot down women with suckling babes at their breasts; killed or crippled the naked children that were running about; and, after they had achieved this brave exploit, appealed to the State Government for aid![7]

[7] "Any rumor of depredation started by a paleface for the unexplained absence of cattle from their usual pasture grounds was at any time sufficient to call out volunteers; and when volunteers went on the hunt they made it a point to avoid ridicule on their return and were sure to bring back scalps. This was what they called, and apparently with self-congratulation, 'crowding the redskins to the wall.'" Hittell, iii, 915.

Oh, shame, shame! where is thy blush, that white men should do this with impunity in a civilized country, under the very eyes of an enlightened government! They did it, and they did more! For days, weeks, and months they ranged the hills of Nome Cult, killing every Indian that was too weak to escape; and, what is worse, they did it under a State Commission, which, in all charity, I must believe was issued upon false representations. A more cruel series of outrages than those perpetrated upon the poor Indians of Nome Cult [8] never disgraced a community of white men. The State said the settlers must be protected, and it protected them—protected them from women and children, for the men are too imbecile and too abject to fight.

"During the winter of last year a number of them were gathered at Humboldt. The whites thought it was a favorable opportunity for getting rid of them altogether. So they went in a body to the Indian camp, during the night, when the poor wretches were asleep, shot all the men, women, and children they could at the first onslaught, and cut the throats of the remainder. Very few escaped. Next morning sixty bodies lay weltering in their blood—the old and young, male and female—with every wound a gaping tale of horror to the civilized world. Children climbed upon their mothers' breasts and sought nourishment from the fountains that death had drained; girls and boys lay here and there with their throats cut from ear to ear; men and women, clinging to each other in their terror, were found perforated with bullets or cut to pieces with knives—all were cruelly murdered! Let any one who doubts this read the newspapers of San Francisco of that date. It will be found there in its most bloody and tragic details. Let them read of the Pitt River massacres, and of all the massacres that, for the past three years, have darkened the records of the State." [9]

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[8] About forty miles east of Cape Mendocino, now Round Valley Reserve,

[9] "Harper's Monthly Magazine," 1861, pp. 307 et seq., as quoted by Rev. Xavier Donald Macleod, "History of Catholicism in North America," pp. 161-164. New York, Virtue & Yorston. See for corroboration Hittell, iii, 887-936, notably 913-915.

The preceding description is corroborated by the official report of George M. Hanson, Superintending Agent Indian Affairs, Northern District of California, dated Yuba City, July 15, 1861, as follows: "In the frontier portions of Humboldt and Mendocino counties a band of desperate men have carried on a system of kidnaping for two years; Indian children were seized and carried into the lower counties and sold into virtual slavery. These crimes against humanity so excited the Indians that they began to retaliate by killing the cattle of the whites. At once an order was issued to chastise the guilty. Under this indefinite order, a company of United States troops, attended by a considerable volunteer force, has been pursuing the poor creatures from one retreat to another. The kidnapers follow at the heels of the soldiers to seize the children when their parents are murdered and sell them to the best advantage. During my recent visit to Round Valley a hundred of the fugitive Indians came voluntarily into the reservation for protection." [10]

Here we have the chief cause of the disappearance of the once numerous California Indians, the white man's brutality, the white man's whisky, and the white man's diseases and epidemics. Shame, and remorse perhaps, at last sought a means to prevent the extermination of the helpless natives. "Voluminous reports were made to Congress," the same correspondent of "Harper's Magazine" continues his narrative, "showing that a general reservation system, on the plan so successfully pursued by the Spanish missionaries, would best accomplish the object. It was known that the Missions of California had been built chiefly by Indian labor; that *during their existence the priests had fully demonstrated the capacity of this race for the acquisition of civilized habits;* that extensive vineyards and large tracts of lands had been cultivated solely by Indian labor, under their instruction; and that by this humane system of teaching, many hostile tribes had been subdued, and enabled not only to support themselves, but to

[10] Agent Hanson to Hon. William P. Dole, Commissioner of Indian Affairs. "Report of the Commissioner of Indian Affairs," 1861, p. 149.

render the Missions highly profitable establishments. No aid was given by the government beyond the grants of land necessary for missionary purposes;[11] yet they soon grew wealthy, owned immense herds of cattle, supplied agricultural products to the ranchéros, and carried on a considerable trade in hides and tallow with the United States. If the Spanish priests could do this without arms or assistance in the midst of a savage country, at a period when the Indians were more numerous and more powerful than they are now, surely it could be done in a comparatively civilized country by intelligent Americans, with all the lights of experience and the cooperation of a beneficent government."[12]

The United States Government had early come to the conclusion that the Indians should be withdrawn as much as possible from the white population, and taught to rely upon their own labor and industry for their support, in order to avert extermination. An act of Congress passed on March 3rd, 1853, authorized gathering the Indians into reservations.[13] The result justified the measure. Thus Mr. Thomas J. Henley, Superintendent of Indian Affairs in California, on September 4th, 1856, reported from San Francisco: "In regard to the system of colonizing and subsisting Indians on reservations, I have only to say that it has so far succeeded entirely beyond my expectations, and is, in my judgment, the only system that can be of any real merit to the Indians. It enables the government to withdraw them from the contaminating influences of an unrestrained intercourse with the whites, and gives an opportunity to provide for them just

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[11] The Spanish Government made no land grant for missionary purposes. The friars simply planted their missions on Indian land for the Indians, and this land was regarded as Indian property by such government.

[12] "Harper's Monthly Magazine," ut supra, note 9. Italics are ours.

[13] "Message & Documents," 33rd Congress, 1st Session, Senate Document, No. 1, 1853-1854. Part I, p. 476.

such, and no more, assistance than their wants from time to time may actually require." [14]

Thus it came to pass that, in 1853, the United States Government found it imperative for saving the very lives of the surviving Indians to adopt the methods of the Franciscan friars, the very mission system which Fr. Junípero Serra and his brethren wisely introduced in 1770 for saving the souls of the natives. It was the very system which the Picos, the Bandinis, the Alvarados, the Vallejos, and other paisano chiefs condemned in unmeasured terms, of course, not out of solicitude for the welfare of the Indians.

However, a material difference distinguished the Indian reservation from the Indian mission as conducted by the friars. In the latter the neophytes were children in their father's house. In the reservation the Indians were like orphans placed in the keeping of strangers. *At best,* the agent could not in every important matter supply the place of the missionary. The latter had no salary. His allowance, and whatever he earned, and whatever was donated to him personally, went into the common fund of the great neophyte family of which he was the head. The agent, as was natural, accepted the office as a means of subsistence for himself and family, and not unfrequently he did away with much more than was his due.[15] He could never feel the same interest for even the corporal welfare of the Indians that the missionary manifested. In short the Indian agent was not, like the missionary, one of the great Indian family. He stood outside of it, and therefore could not, as a rule, possess the Indian's whole confidence which the unsalaried missionary enjoyed. Hence, the reservation system, though the best under the circumstances, and in spite of all government aid, was never even in temporal matters nearly as successful as

[14] "Message and Documents," 34th Congress, 3rd Session, Senate Document No. 5, 1856-1857. Part I, p. 790.

[15] For proofs of this the student may read about the causes of Indian wars in modern times; also Mrs. H. H. Jackson's "Century of Dishonor," etc.

the missions under the care of the missionary friars without government assistance.

Mr. Thos. J. Henley, in the same report quoted before, pp. 796-797, claimed 61,600 Indians under his jurisdiction in California. The figures are exaggerated, but the Indian population in 1856 must have been far more numerous than in December, 1913, when the Commissioner of Indian Affairs December 8th, reported only 16,513 survivors of the Indian race in all California! "If we ask," Mr. Dwinelle exclaimed at such results in 1866, "where are now the 30,000[16] Christianized Indians who once enjoyed the beneficence and created the wealth of the twenty-one Catholic missions of California, and then contemplate the most wretched of all want of systems which has succeeded them under our own Government, who shall not withhold our admiration from those good and devoted men who with such wisdom, sagacity, and self-sacrifice, reared these wonderful institutions in the wilderness of California. *They*,[17] at least, would have preserved these Indian races, if they had been left to pursue unmolested their work of pious beenvolence." [18]

Bidding farewell to the poor Indians, we turn to a more cheerful phase of California history. Thus far, 1849, the territory had been governed by military authority. In no act of the United States Congress had California as yet been mentioned. Speeches had been delivered, but no resolution had been passed which promised to put California on an equality with the States in the Union. When, therefore, in December, 1848, it was learned that Congress had again adjourned without providing the territory with a civil government, the people resolved to establish such a government themselves.

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[16] Twenty-one thousand one hundred ninety-six was the highest number reached when Mexican Independence was accomplished. Then decay began, because of the oppression of the missionaries and Indians. Yet, on December 31st, 1832, the date of the last official report, the missions sheltered 16,951 Indians, more than are reported for the whole State at the present time!

[17] The emphasis is Mr. Dwinelle's, who was not a Catholic.

[18] Dwinelle, "Colonial History," p. 87.

Various local conventions were held which plainly demonstrated the universal demand for an organized civil government. At last, General Bennet Riley, the military governor, himself issued a lengthy proclamation calling for an election of delegates to a general convention, which was to nominate the various officials.

"Congress having failed at its recent session," Riley informed the people, "to provide a new government for this country to replace that which existed on the annexation of California to the United States, the undersigned would call attention to the means which he deems best calculated to avoid the embarrassments of our present position. The undersigned, in accordance with instructions from the Secretary of War, has assumed the administration of civil affairs in California, not as a military governor, but as the executive of the existing civil government. In the absence of a properly-appointed civil governor, the commanding officer of the department is, by the laws of California, *ex-officio* civil governor of the country; and the instructions from Washington were based on the provisions of these laws.

"This subject has been misrepresented, or at least misconceived, and currency given to the impression that the government of the country is still *military*. Such is not the fact. The military government ended with the war, and what remains is the *civil* government recognized in the existing laws of California. Although the command of the troops in this department and the administration of civil affairs in California are, by the existing laws of the country, and the instructions of the President of the United States, temporarily lodged in the hands of the same individual, they are separate and distinct. No military officer other than the commanding general of the department exercises any civil authority by virtue of his military commission; and the powers of the commanding general as *ex officio* governor are only such as are defined and recognized in the existing laws. The instructions of the Secretary of War make it the duty of all military officers to recognize the existing civil government, and to aid its officers with the military force under their con-

trol. Beyond this, any interference is not only uncalled for, but strictly forbidden. . . .

"As Congress has failed to organize a new territorial government, it becomes our imperative duty to take some active means to provide for the existing wants of the country. This, it is thought, may be best accomplished by putting in full vigor the administration of the laws as they now exist, and completing the organization of the civil government by the election and appointment of all officers recognized by law; while at the same time a convention, in which all parts of the Territory are represented, shall meet and frame a State Constitution, or a territorial organization, to be submitted to the people for their ratification, and then proposed to Congress for its approval. . . .

"In order to complete this organization with the least possible delay, the undersigned, in virtue of power in him vested, does hereby appoint the 1st of August next as the day for holding a special election for delegates to a general convention, and for filling the offices of judges of the superior court, prefects, and sub-prefects, etc. . . .

"The general convention for forming a State Constitution or a plan for territorial government will consist of thirty-seven delegates, who will meet in Monterey on the first day of September next. . . .

"Given at Monterey, California, this third day of June, in the year of our Lord, 1849.—B. Riley, Brevet-Brigadier General U. S. Army, and Governor of California.—H. W. Halleck, Brevet Captain, and Secretary of State." [19]

The delegates chosen assembled at Monterey on the day assigned and organized on September 3rd, 1849.[20] The con-

[19] "Halleck's Report," 776-780; J. Ross Browne, "Debates in the Convention of California," (English) pp. 3-5; "Debates de la Convencion," 5-7.

[20] The sessions were every morning opened with prayer, Rev. Ignácio Ramírez de Arellano, O. P., of Monterey, and Rev. S. H. Willey, a Protestant preacher, alternating. The coat of arms, which is identical with the Great Seal of California minus the inscription, was adopted at the afternoon session, October 2nd, 1849. "Debates de la Convencion"; "Debates in the Convention."

stitution formulated by the convention and signed by the delegates on October 13th, 1849,[21] was on November 13th submitted to the people, and finally adopted by a vote of 12,064. Only 811 voted against it. On the same day Peter H. Burnett,[22] was elected first governor of California. The other State officials chosen were John McDougal, lieutenant-

California's Coat of Arms.

governor; George W. Wright and Edward Gilbert, representatives to Congress. The legislators elected on the same date assembled at San José December 15th, and a few days later

[21] Section 12, Article XI, in the Constitution: "No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect," called forth a Circular from Fr. González Rúbio. In it the priests of the diocese were exhorted to warn their people that this section in the Constitution could have no force with Catholics. Marriage with Catholics not being a mere contract, but one of the Seven Sacraments instituted by Christ, it would be regarded as invalid unless the Catholics contracted matrimony in accordance with the laws of the Church. Of course, this decided nothing regarding the marriages of non-Catholics, which the Church always recognized as valid if contracted in accordance with the requirements of the civil law. Fr. Rúbio, "Circular," December 28th, 1849. "Sta. Barb., Arch."; "Libro Borrador."

[22] He had become a Catholic in 1846. In 1860 he published "The Path Which Led a Protestant Lawyer to the Catholic Church."

chose John C. Fremont and William M. Gwin United States Senators.[23]

Owing to opposition of the representatives and senators from the Southern States, who feared for their institution of slavery, California was not admitted to the Union of States until nine months later. The bill for the admission of California finally passed the Senate of the United States at Washington on August 13th, 1850, by a vote of thirty-four to eighteen; but the House of Representatives would not yield until September 7th, 1850, when it, too, passed the California bill by a vote of one hundred and fifty to fifty-six. President Millard Fillmore approved the bill on the 9th, and thus gave California its place as the thirty-first State in the Union.[24]

Two months previous to ceding the office of governor to Judge Peter Burnett, who had been elected by the people, General Riley introduced a pleasing innovation, which received the hearty approval of the Very Rev. Administrator of the Diocese of California, but which to the paisano and Mexican chiefs, tainted with French infidelity, must have sounded odd, not to say foolish. The innovation is set forth in the following

"PROCLAMATION.

"In conformity with the custom of other States and Territories, and in order that the people of California may make a general and public acknowledgment of their gratitude to the Supreme Ruler of the Universe for His kind and fostering care during the past year, and for the boundless blessings which we now enjoy, it is recommended that Thursday, the

[23] "Debates," 7; 323; 473-475; Appendix, iii-xiii; W. J. Davis, "History of Political Conventions," 1-6; Bancroft, vi, 251-312; Hittell, ii, 713-715; 756-786; "Speeches 31st Congress," Admission of California, Hon. S. R. Thurston of Oregon, House of Representatives, March 25th, 1850.

[24] Bancroft, vi, 340-345; Hittell, ii, 811-823.

29th of November next, be set apart and kept as a day of thanksgiving and prayer.

"Given at Monterey, California, this 24th day of October, in the year of our Lord 1849.

B. Riley,
*Brevet Brigadier General United States Army, and Governor of California.*

By order of the Governor,

H. W. Halleck,
*Brevet Captain, and Secretary of State.*" [25]

A copy sent by Captain Halleck to the Very Rev. Administrator of the Diocese elicited the following reply: "The Proclamation dated Monterey, October 24th last past, of which Your Honor had the kindness to transmit a copy, very agreeably acquaints me with the Excellent Governor's command designating Thursday the 29th of the present month of November as a day of thanksgiving and prayer, in return for the innumerable favors which God, our Lord, has deigned to grant us during the present year.

"May it please Your Honor to acquaint the Excellent Governor with this note, and that on my part the said order will be religiously observed. In order the better to cooperate with his pious intentions, I on this very date direct a circular to all the Catholic priests under my charge instructing them

[25] "Halleck's Report," p. 867; "Escrituras Sueltas"; "Libro Borrador." It was General Washington who first recommended a day of general thanksgiving, Thursday, November 26th, 1789. Contrast this with the action of the present atheistic government of unhappy France. When asked to follow the example of President Wilson, who designated Sunday, October 4th, 1914, as a day of prayer for peace in Europe, the French cabinet unanimously decided that "the government of France must decline to participate in the request for public prayers for peace, and that no minister of the French government must take part in any religious ceremony in any of the churches." That is what they call separation of Church and State! Rather it is divorce of the State (the infidel politicians) from God, as now in anti-Christian Mexico and Portugal. We shall ere long see whither such throwing down the gauntlet to Almighty God leads the nation.

to solemnize said day. Although, on account of the short time and the lack of mail facilities, I fear my circular may not reach all the priests in due time, in the coming year this pious practice will be introduced in all churches of this territory, though this time it may be observed in some sections only. I am etc. Fr. J. M. de J. González, Santa Barbara, November 9th, 1849." [26]

The Venerable Administrator's circular to the clergy read as follows: "In virtue of this, and inasmuch as it is very appropriate that we Catholics should carefully endeavor to cooperate in the execution of such pious designs of the Government, I direct Your Reverences, on Sunday the 25th of the present month, in a fervent sermon, to instruct your parishioners concerning the holy object and the purpose of this general solemnity, and to excite their piety in order that on the following Thursday, the 29th of this month, they may assist in church at holy Mass, the *Te Deum*, and the public prayers which will be offered up with all the solemnity possible. I understand that this so rational and pious a custom is to continue in subsequent years. God keep you many years. Fr. J. M. de J. González, etc." [27]

California now enjoyed a fully organized government of its own subject only to the Central Government at Washington. It was meet that the Church in the territory should likewise be independent of Mexican jurisdiction, closely attached to the other dioceses in the United States, and headed by a prelate clothed with all the powers necessary. The Venerable Administrator, since the death of Rt. Rev. García Diego, had wisely and zealously governed the orphaned diocese under the jurisdiction of the Archiepiscopal See of the City of Mexico; but, though he possessed the authority of administering the Sacrament of Confirmation, he could ordain no priests, nor bless the Holy Oils which therefore had to come from Valparaiso, Chile, or from the Sandwich Islands. The changed condition within the boundaries of the vast diocese,

[26] "Libro Borrador."

[27] "Circular," November 9th, 1849. "Libro Borrador."

and many other considerations, among which not the least was the preponderance of the English-speaking population, also demanded the presence of a Bishop versed in the language of the country.

The war of 1846-1848 and subsequent political changes in Mexico had delayed the nomination of candidates for the See of California on the part of the metropolitan chapter, which still claimed jurisdiction, until the year 1849. Steps were then taken to make provisions for both Upper and Lower California, as we learn from a letter which the Fr. Guardian of Guadalupe, Zacatecas, addressed to Fr. González Rúbio on May 14th, 1850. "I suppose," Fr. Antonio Castillo wrote, "Your Paternity is informed of the decision of the Supreme Government that Your Paternity should be placed in charge of your Diocese in the character of vicar-apostolic.[28] For the honor to Your Paternity, and more so for the glory of God, I rejoice very much, and am pleased to congratulate Your Paternity on the nomination. They write me from the City of Mexico that this matter is faring well at Rome, and that the Bulls will soon arrive. The plan of the Government was to ask for a Bishop Vicar-Apostolic for both Californias; but, as the Republic to the north [29] has come first in demanding a Bishop for Upper California, Mexico is content to be restricted to Lower California." [30]

From this it is clear that the Holy See had determined to

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[28] "Supongo á V. P. instruido en el empeño decidido del S. Gobierno en que V. P. obtenga esa Sagrada Mitra con el caracter de Vicario Apostolico."

[29] i. e. ecclesiastical authorities in the United States, of course; for, unlike the Mexican Government, the United States Government cared not who was appointed prelate of a diocese. Why the Mexican politicians should trouble themselves about the matter, since they did not furnish the means of subsistence, is strange; it shows that the Church in Mexico was not free and independent.

[30] "El plan del gobierno fue pedir un Obispo Vicário Apostolico para las dos Californias. Mas como la Republica del Norte se adelantó á pedirlo por lo que corresponda á la Alta, ya Mexico se conforma en que quede reducido á la Baja (California)." "Sta. Barb. Arch."

appoint a Bishop for the State of California before the Mexican Government had found it advisable to present its petition. This resolution was brought about, it appears, through the timely action of Bishops in the United States. "Letters," writes Shea,[31] "came to Archbishop Eccleston of Baltimore and to Bishop Hughes of New York, representing the condition of affairs, written by intelligent Americans, Catholic and Protestant. It was not in the power of these dignitaries to interfere; they could only appeal to Rome to lose no time in providing for the future of the Church in a part of the country soon to be populous and important. News also reached Rome that an impostor representing himself to be an Apostolic Nuncio, with full powers to arrange all ecclesiastical matters, was traversing California.[32] This seems to have shown the necessity of some action."

According to Shea,[33] the Seventh Provincial Council of Baltimore, held during the month of May, 1849,[34] proposed a list of three candidates from which the Holy See was peti-

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[31] Shea, "Catholic Church," vol. iv, 355.

[32] "Pervenit ad S. Congregationem exemplar litterarum, quas presbyter quidam in Californiensi regione degens scripserat, illaeque continent per praedictam regionem iter instituisse quemdam, qui se Apostolicum Nuntium jactat. . . . Haec omnia commentitia prorsus sunt. . . ." His Eminence, J. Ph. Cardinal Fransoni to Archbishop Eccleston of Baltimore, Rome, April 16th, 1850. "Sta. Barb. Arch." The Archbishop communicated the Cardinal's letter of warning to the clergy in a printed circular as follows: "Clero Catholico in California Superiori.—Litterae Apostolicae sequentes nuper ad nos datae fuerunt. Voluntati igitur Sanctae Sedis consulentes, Praelatos, Presbyteros, aliosque in auctoritate constitutos in California Superiori, enixe rogamus un fraudi infami de qua agitur, quamprimum remedium afferi satagant.—Datum Baltimori die 29 Junii, 1850. Samuel, Archiep. Baltimo." "Sta. Barb. Arch." The impostor had already been exposed by Fr. González Rúbio. See pp. 616-617, this volume.

[33] "Catholic Church," vol. iv, p. 355.

[34] See "Concilia Provincialia Baltimori Habita," pp. 263-292. Baltimore, 1851. John Murphy and Co.

tioned to select a Bishop for California.[35] The Pope chose the Rev. Charles Pius Montgomery, O. P., who as provincial had represented the Dominicans at the Fourth Provincial Council of Baltimore, May, 1840.[36] This appointment is certain, since Cardinal Fransoni, in the letter to Archbishop Eccleston,[37] writes: "First, then, Bishop Montgomery must be notified, who I think has already taken charge of that diocese." [38]

Good Fr. Montgomery, however, declined the honor of becoming the second Bishop of California.[39] Another Dominican, Rev. Joseph Sadoc Alemany, who as provincial represented the American Province at the General Chapter of the Order just then being held at Rome, was thereupon, May 31st, appointed Bishop of California, and his residence placed at Monterey. His consecration at the hands of Cardinal

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[35] No mention is made of such candidates in the printed Acta Concilii; but Archbishop Bonamie (see p. 624) wrote to Fr. González Rúbio: "Te non latet, indubitanter, electio Episcopi pro Ecclesia Californiensi. Eum assumpsit Summus Pontifex inter sacerdotes, quos indicavere Patres Concilii Baltimorensis in America." Paris, May 13th, 1850. "Sta. Barb. Arch."

[36] "Concilium Provinciale IV," p. 163. See note 34. Rev. C. P. Montgomery was a cousin of Hon. Zachary Montgomery of California, the famous editor of "The Family Defender," and later U. S. Assistant Attorney General under President Cleveland. Hon. Z. Montgomery was an uncle of the late Most Rev. George Montgomery, fifth Bishop of the Diocese of Monterey and Los Angeles, who died at San Francisco on January 10th, 1907, as Coadjutor-Archbishop of San Francisco. Rev. C. P. Montgomery, O. P., had been for many years, beginning with 1832, in charge of the parish at Zanesville, Ohio. See "Catholic Directory"; also "Records, American Catholic Historical Society," Philadelphia, September, 1914, pp. 204-207.

[37] See note 32.

[38] "Primo itaque monendus est Episcopus Montgomery, quem Ecclesiae illius curam jam suscepisse arbitror."

[39] Shea, vol. iv, 356; Gleeson, ii, 186; "Dominicana," vol. i, December, 1900, p. 338; "First Half Century," p. 34.

Fransoni took place in the Church of San Carlo, Rome, on June 30th, 1850.[40]

[40] Reuss, "Biographical Encyclopedia," 7-8; "Concilium Provinciale VII," pp. 266; 289; Gleeson, ii, 186; "Catholic Encyclopedia," vol. i, 282; "Dominicana," ut supra. Bishop Alemany to Rev. P. A. Anderson, O. P., August 24th, 1850, in "First Half Century," p. 34.

## CHAPTER VIII.

The Mexican Government Demands a Bishop for Lower California.—Fr. González Rúbio Proposed.—The Holy See's Conditions.—The President Refuses to Recognize Bishop Alemany's Jurisdiction.—He Demands that Fr. González Take Charge of the Peninsula.—Archbishop Lázaro Urges Fr. González to Comply.—Fr. González Consents, and then Declines.—The Reasons.—The College of Guadalupe Accepts Northern Lower California; the Dominicans Retain the Southern District.—Jesuits Arrive for Upper California.—Fr. González's Letter of Welcome.—Joint Letter of Fathers Accolti and Nobili.—Bishop Alemany Arrives at San Francisco.—Goes to Santa Barbara.—His Notes.—His First Pastoral.—Fr. González Appointed Vicar-General.—Churches and Priests in the Diocese.

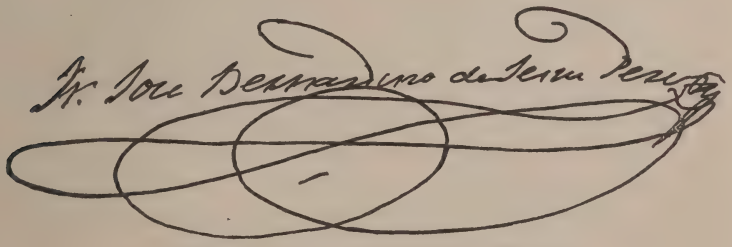
WHEN it became known in Mexico that a Bishop had been appointed for Upper California in the person of the Rt. Rev. José Sadoc Alemany, O. P., the Mexican Government had a petition presented to the Holy See requesting the appointment of a missionary Bishop for Lower California.[1] The Sacred Congregation of the Propagation of the Faith at Rome replied that no strong objection would be made to the demand itself; yet, inasmuch as such a missionary bishop would have to find some means of subsistence in keeping with his dignity, action on the subject would be suspended until some new arrangements had been made.[2] The Holy See evidently had not forgotten that, despite solemn prom-

[1] "Un Vicario Apostolico Obispo in partibus, que en clase de misionero atienda á la administracion espiritual." Minister of Justice to Archb. Lázaro, May 6th, 1851, as per Governor Rafael Espinosa of Lower California to Fr. González Rúbio, La Paz, June 4th, 1851. "Sta. Barb. Arch."

[2] "Se habia contestado de la misma Santa Silla, que esto no habia dificultad en concederlo, pero como este Obispo debia mantenerlo con la decencia que corresponde, la Propaganda, y esto por ahora, y por lo que llevo dicho, se had suspendido hasta su nuevo arreglo." Fr. Pérez to Fr. Rúbio, January 13th, 1851. "Sta. Barb. Arch."

ises, the Mexican Government had not provided the necessary means of living for the late Bishop García Diego.

Fr. Guardian Bernardino Pérez of Guadalupe, who furnished this information to Fr. González Rúbio, furthermore stated that, "since Alta California has been cut off, and now belongs to another power, we shall have to withdraw, and retire to parts pertaining to our republic. On the frontiers we have a rich field where laborers are wanted. Blessed be the Lord for everything! for in whatever country we may be, we ought to serve Him. He will be the more pleased, if with the same relish and cheerfulness we sacrifice our will,



Signature of Fr. José Bernardino Pérez.

even our most holy affections, by conforming ourselves to His Divine Will, which is the most holy and perfect, and for ourselves the greatest happiness."

"Another matter," Fr. Pérez writes in the same connection, and it is of especial interest to Alta California, "Don Miguel Belauzarán has collected two thousand one hundred and forty-five dollars (2,145) belonging to the Pious Fund of California. I judge that it must be divided among your missionaries,[3] for which reason I had determined to send this amount by the aforesaid Rev. Refúgio Flóres;[4] but, as the

[3] "Juzgo que esto se debera repartir á aquellos misioneros." To the last, the Superiors of the California friars refused to touch money assigned to California, though the friars in those missions had been educated by the Colleges at much expense, and without any returns.

[4] He was to hold the visitation in California for Fr. Pérez. Fr. Flóres, however, died of typhoid fever about the middle of No-

roads are infested with robbers, I changed my mind. I merely notify Your Paternity so that you can make the division, and may obtain the money by means of merchants. You may freely draw for that amount on Don Carlos del Hoyo at Zacatecas with whom the money is deposited." [5]

Meantime a change of administration took place in Mexico. On January 15th, 1851, General Mariano Arista, former Minister of War, who had been declared elected on January 8th, succeeded the peace-loving Herrera [6] as President of the Republic. Arista insisted that, as in civil affairs, Lower California was independent of Upper California, it should likewise be separate from it in ecclesiastical matters.[7] For that reason the Mexican Government once more addressed itself to the Holy See with the petition for the erection of a diocese comprising the whole peninsula, and from the three candidates proposed by the metropolitan chapter the President nominated the first on the list, Fr. González Rúbio, Administrator of California.[8] When Archbishop Lázaro of Mexico, November 3rd, 1851, reported the opposition of the Government, and also petitioned the Holy See for another Bishop on behalf of Lower California, he, under date of January 24th, 1852, received the following reply, which threw

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vember, 1851, just as he was about to embark. Fr. Pérez to Fr. González Rúbio, December 27th, 1851. "Sta. Barb. Arch."

[5] Fr. Pérez to Fr. González Rúbio, January 13th, 1851. "Sta. Barb. Arch."

[6] General J. J. de Herrera died in February, 1854, and was buried unostentatiously at San Fernando Church. His extreme poverty confirmed his proverbial integrity, "dejando solamente á sus hijos un nombre inmaculado." Bancroft, "Mexico," v, 595.

[7] Fr. Pérez to Fr. González, December 27th, 1851. "Sta. Barb. Arch."

[8] Fr. Pérez to Fr. González, August 27th, 1851. "Sta. Barb. Arch."—"Que tenia este Gobierno puesta solicitud ante N. Smo. Padre el Sr. Pio IX, reducida á que para la Baja California se nombrase un Vicario Apostolico con caracter Episcopal, y sugeto en lo civil y temporal á esta Republica." The Minister of Justice to Archb. Lázaro in the latter's communication to Bishop Alemany, May 6th, 1851. "Sta. Barb. Arch."

the burden on the Mexican Government: "At the Papal Court scarcely anything has been neglected in the way of urging the best means for providing for Lower California." [9] Rome quite properly demanded that, if the Mexican Government wanted an independent head of ecclesiastical affairs in the barren and sparsely settled peninsula, it must guarantee the means of subsistence. It appears that, though the Mexican Government would not bind itself to that end, it would not recognize Bishop Alemany's spiritual jurisdiction over Lower California.[10] In this predicament the Bishop proposed a way out of the difficulty. On November 11th, 1852, he wrote to Archbishop Lázaro that it would be agreeable to him if His Grace of Mexico named any one he judged suitable to govern Lower California in ecclesiastical matters, and that Fr. González Rúbio was disposed to transfer himself thither for that purpose as demanded by the President.[11]

The Mexican Government had actually demanded that Fr. González Rúbio betake himself to Lower California, as will be seen from the following official note addressed to Fr. González, and which speaks for itself: "Ministry of Justice and Ecclesiastical Affairs.—Inasmuch as there is no legal ecclesiastical authority in Lower California save that of Your Paternity, as well on account of the faculties with which the

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[9] "Apud Ministerium Praecipuum Sanctae Sedis perurgere haud fuit omnissum ea, quae pertinent ad optimam rationem providendi Inferiori Californiae."

[10] "El mismo Gobierno me manifestó su oposicion á que la Baja California se gobernase por Prelado que no fuese subdito de la Republica; y de aqui provinó el que la dicha Baja California quedase segregada de hecho, en cuanto al regimen espiritual del gobierno del Illmo. Sr. Alemany. Nunca se permitió por este Gobierno que el Illmo. Sr. Alemany la gobernase." Archbishop Lázaro to Fr. González, December 4th, 1852. "Sta. Barb. Arch."

[11] "Tuvé carta del Illmo. Sr. Alemany. . . . en la que me dice está conforme S. S. I. en que yo nombre al que me paresca para el gobierno de la Baja California, y que V. R. (Fr. Rúbio) estaba dispuesto á trasladarse con este fin á ella como ya se le habia escrito el Ministro de Justicia." Archb. Lázaro, ut supra.

late Bishop of your Diocese, the Rt. Rev. Francisco Diego, invested you at the time of his demise, as on account of the nomination for Administrator of the Diocese, which Your Paternity received from the Metropolitan Chapter, His Excellency, the President of the Republic, has been pleased to decide that Your Paternity immediately arrange for your transfer to said Territory, in order to exercise your ecclesiastical functions without recognizing the authority of Señor Alemany,[12] and under subjection only in what canonically concerns the Most Rev. Archbishop, the Metropolitan of Mexico. God and Liberty, January 21st, 1852.—Fonseca.—To the Rev. Francisco González Rúbio, Administrator of the Diocese of the Californias." [13]

Immediately on receipt of Bishop Alemany's note of November 11th, 1852, Archbishop Lázaro wrote to the Acting Minister of Justice and Ecclesiastical Affairs, Don José Maria Durán: "By letter of the 11th instant from the Illustrious and Most Rev. Fr. José Sadoc Alemany, written at San Francisco, Alta California, I have learned that the Very Rev. Fr. José de Jesus González Rúbio is willing to go to Lower California, and to govern it, in spiritual matters, as the Supreme Government desires, which by your order has been communicated to the said Most Rev. Father. In this manner the difficulties have been removed which presented themselves as to the Superior whom the religious preparing to proceed to Lower California as missionaries were to recognize.[14] I hope that Your Honor will deem it well to acquaint His Excellency, the President, and also that I have in my possession a complete outfit of sacred vestments for those churches which cost me no more expense than the soliciting and begging of them, without any pecuniary outlay whatever. God, etc. Mexico, November 30th, 1852. Lázaro,

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[12] "sin reconocer la autoridad del Sor Alemany." No title is vouchsafed to the Bishop of Monterey or Upper California!

[13] Urbano Fonseca to Fr. González Rúbio. "Sta. Barb. Arch."

[14] Franciscan friars from the College of Guadalupe, Zacatecas, whom the Mexican Government had asked to take charge of the peninsula missions.

Archbishop of Mexico." [15] Minister Durán, on the same date, acknowledged the receipt of the Archbishop's letter, and declared the information was noted with much satisfaction.[16] The Archbishop in a long letter communicated all that had occurred to Fr. González Rúbio, and closed with the remark: "I enclose a list of the vestments, which I mentioned to the Supreme Government, and I pray our Lord, that the faithful through Your Reverence may have all the spiritual aid and consolation which I wish them from my whole heart." [17]

The Archbishop's satisfaction at being relieved of anxiety for the spiritual welfare of the peninsula was of short duration. "From the official note of Your Grace, dated December 4th, 1852," Fr. González Rúbio replied, "I see that, in conformity with His Lordship, Bishop Alemany, you have selected me, a man without merit or aptitude, for the difficult post of ecclesiastical administrator of Lower California. The consent of being ready to burden myself with that mission, which was supposed to be in me, I have not had occasion to manifest until this day. I have only been waiting, God knows, that the public belief that the Government had proposed me as Bishop for Lower California, should be communicated to me officially, when I intended to decline the office immediately. Now that notification has come in the regular way, I definitely make known my sentiments. After mature deliberation, recognizing clearly that my powers, physical as well as moral, are incapable of even passably sustaining such a formidable burden; and that my littleness is very far from possessing the means which he must have who

[15] "Sta. Barb. Arch." Archbishop Lázaro had been promoted to the Metropolitan See from the Diocese of Culiacán, Sonora. "El 4 del ultimo Febrero llegué á esta Capital; el 11 del mismo Febrero tomé posesion de este Arzobispado; el 12 recibí el Sacro Palio." Archbishop Lázaro to Bishop Alemany, May 6th, 1851. "Sta. Barb. Arch."

[16] Archb. Lázaro, ut supra, note 10.

[17] Archb. Lázaro to Fr. Gonzalez Rúbio, December 4th, 1852. "Sta. Barb. Arch."

charges himself with such a high, thorny and difficult mission; therefore, while I give Your Grace due thanks for the confidence with which you have honored me, I supplicate humbly and submissively that, accepting the renunciation I now make, Your Grace will have pity upon me as well as upon Lower California, by giving it a worthy Pastor who may lead it to life everlasting, and thus exonerate me of the fatal risk of being oppressed by such a heavy weight. May it please, etc. Santa Barbara, California, February 7th, 1853. Fr. J. de J. González Rúbio." [18]

The Archbishop must have urged Fr. González Rúbio to reconsider his decision not to accept the office of vicar-apostolic of Lower California; for the good Father writes under date of April 30th, 1853: "Although the powerful motives still exist upon which I last February based the renunciation of the vicarship of Lower California, nevertheless, no sooner had I seen in your esteemed note of March 11th the inexplicable goodness of Your Grace in urging me to accept, I resolved to sacrifice and risk everything to please you; but could I venture alone into the vast desert of Lower California? It was necessary to have a capable and experienced companion, who would assist me in the dangerous undertaking. I judged the Rev. Fr. Francisco Sánchez such a help; [19] but all my efforts to secure him have proved useless with his Superior, who in a decided manner told me that said religious was so much needed that he could not and durst not let him go.[20] This refusal has discouraged me entirely so that for a second time I have come to the painful pass of declaring my inability to please Your Grace in the

[18] "Sta. Barb. Arch."

[19] "Preciso era tener un compañero util y esperimentado, que me auxiliase en tan arriesgada empresa, como tal juzgué al R. P. Fr. Francisco Sánchez." This was a splendid testimony in behalf of good Fr. Sánchez. He is the Fr. Salvatierra in Helen Hunt Jackson's "Ramona."

[20] This Superior was Fr. Antonio Ánzar at San Juan Bautista. The two were the only survivors of the Zacatecans, barring Fr. González himself.

way I desire. I am also convinced that I am not destined by God for that task, etc." [21] This closed the question of the Lower California vicarship as far as Fr. González Rúbio was concerned.

Although that part of the Diocese of the Californias on the peninsula had failed to secure an independent ecclesiastical head, it was provided with a number of new missionaries, as will be seen from a letter written by Fr. González Rúbio in reply to a communication from the Fr. Guardian of the College of Guadalupe. "From the official note which Your Reverence, under date of May 14th, last, has been pleased to direct to me," he writes, "I have learned that, at the instance of the Supreme Government, my beloved College of Guadalupe has destined for Lower California six religious, who, on reaching their destination and examining the actual conditions in the country, doubt whether the faculties of missionaries suffice there for the direction of souls and the administration of the Sacraments, or whether they need the jurisdiction and pleasure of the Ordinary of the diocese in which are situated the missions.[22] In order to remove such doubts, Your Paternity desires to know my judgment on the subject."

As Administrator of the Diocese of the Californias, Fr. González Rúbio decided that the jurisdiction of the Ordinary was necessary; but that, a vicar forane being in the territory with all the requisite powers, there would be no difficulty. Under the circumstances, however, he would divide the peninsula between the two bands of missionaries, and appoint the Superior of the newcomers vicar forane for his district. Leaving the southern part of Lower California to the Dominicans under their presidente and vicar forane, he directed the presidente of the Franciscans as vicar forane to govern the northern part of the peninsula from Loreto inclusive to the boundary of Upper California.[23] Fr. Gabriel González,

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[21] "Sta. Barb. Arch."

[22] ex-missions rather, for scarcely any Indians were left, which fact probably caused the Fathers to doubt.

[23] Fr. González Rúbio to Fr. Guardian Antonio Castillo and Fr. Trinidad, July 23rd, 1850. "Sta. Barb. Arch."; "Libro Borrador."

presidente of the Dominicans, was then informed that four Franciscans [24] had been sent to Lower California, and would take charge of the northern part of the territory. He was directed to deliver the inventories and other documents pertaining to that district to Fr. Trinidad Macias, presidente of the Zacatecan friars.[25]

At this juncture, therefore, when the Rt. Rev. J. S. Alemany, O. P., was consecrated Bishop of Monterey with jurisdiction over both Californias, but whose authority over the peninsula in spiritual matters the Mexican Government refused to recognize, the clergy of Lower California consisted of two small bands of missionaries, as follows: [26]

Northern Jurisdiction.

*(Loreto to San Diego County.)*

Very Rev. Fr. Trinidad Macias, O. F. M., Presidente and Vicario Foraneo.

Rev. Fr. Marcelo Velasco, O. F. M.

Rev. Fr. Natividad Acosta, O. F. M.

Rev. Guadalupe Pedroza, O. F. M.

Southern Jurisdiction.

*(Loreto, exclusive, to Cape San Lucas.)*

Very Rev. Fr. Gabriel González, O. P., Presidente and Vicario Foraneo.

Rev. Fr. Thomás Mansilla, O. P.

Rev. Fr. Vicente Sotomayor, O. P.

The Venerable Administrator had meantime continued his endeavors to improve the moral and spiritual conditions in Upper California by trying to procure more priests and religious for the growing population. Long before it became known that a Bishop had at last been appointed, he had invited both the Picpus and the Jesuit Fathers to establish

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[24] "Que, á instancias del Supremo Gobierno de Mexico, (el Colegio) ha remitido á esa Baja California unos cuatro misioneros de los seis que á esa parte estan nombrados."

[25] Fr. González Rúbio to Fr. Gabriel González, July 23rd, 1850. "Libro Borrador."

[26] Sotomayor, "Colegio de Guadalupe," 273; 523; "Sta. Barb. Arch."

educational institutions, besides being active as missionaries. The Picpus Fathers, as we have already stated, accepted the direction of the diocesan seminary at Santa Inés; and they also opened a school at Los Angeles.[27] Through the Very Rev. J. B. A. Brouillet of Oregon, Fr. González Rúbio had asked the Jesuits to come from the north especially for the purpose of founding one or two colleges in Upper California. In response to the urgent call, Fathers Michael Accólti and John Nóbili had arrived at San Francisco [28] on December 8th, 1850, as already told in a previous chapter. They informed the Venerable Administrator of their presence in his jurisdiction on January 15th, 1850, and asked for explicit instructions for their future activity. In reply they received the following touching and interesting communication:

"Santa Barbara, March 5th, 1850.—Rev. Father Michael Accólti.—Esteemed and Respected Father: With unspeakable satisfaction have I received your most welcome letter dated January 15th and written in San José. I answer it by saying that I give infinite thanks to God, our Lord, for the singular favor that He has deigned to confer upon this people in the arrival, so opportune, of Your Reverence and worthy associate to help me, by the exercise of your holy ministrations, in correcting the morals of my flock, in the education of youth, and the preservation of Catholic Worship throughout this vast diocese committed to my care. I give thanks after God, to Your Reverences for the will no less ready than good, which you show by employing your talents, your zeal and worthy services in this diocese, which is as destitute of every help as it is weakened in morals and beset with dangers.

"Already through Rev. Father Brouillet, have I expressed my earnest desire that two colleges of the Society of Jesus should be established here; one in the north where you are,

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[27] "Catholic Directory," 1852, p. 256.

[28] "San Francisco, but which, whether it should be called a madhouse or Babylon, I am at a loss to determine, so great in those days was the disorder, the brawling, the open immorality, the reign of crime." Rev. Michael Accolti in "First Half Century," p. 23.

and another here in the south. With this object in view Your Reverences were invited to come. Some donations were solicited for the founding of such colleges; but, as the offerings contributed up to the present, are small for so great an enterprise, I insisted with Father Brouillet that he should urge you to come, since your presence and the influence that you would acquire by the exercise of your ministry, would be the most efficacious means for bringing about the foundation of the two colleges desired; for, I repeat, the presence of Your Reverences will dissipate many prejudices, and move the hearts of those who are able to aid with their donations so holy a work.

"Your Reverence is well aware of this, and so I cannot understand how in your very acceptable letter, which I am answering, you express a wish to know in explicit terms my will in regard to the establishment of the Society of Jesus here. I desire it and have yearningly desired it. I have begged it of God with earnest pleadings; and as soon as I can assure myself that Your Reverences have collected from the people of the diocese sufficient money for the foundation of the first college, and that you have permission from your Superiors to found it, I am ready to send you in writing, and in the prescribed form, the corresponding permission of this diocesan authority. I know that what I have said is sufficient for yourself and your worthy companion to stir you up to labor assiduously in the undertaking, certain as you are of the sincere and efficacious will with which I not only approve it, but shall also cooperate towards it, so far as my poverty will permit.

"On the first of last month I sent Your Reverences the necessary faculties empowering you throughout the whole diocese, and in all languages with which you are conversant, to preach the holy Gospel, hear the confessions of men and women, with the other powers which you have already received, and which I beg of you to use for the public edification of this my flock, reaching what pueblos and places you can, preaching everywhere salutary repentance and the kingdom of God, in due accord, of course, with the parish priests

proper, or other priests to whom such pueblos and places are entrusted, and with their permission.

"Strangers have not been wanting, who, despising the priests of the country, have desired to build a church apart, and have it attended by priests of their own tongue. Such pretensions, though based upon some specious reasons, have, to some of the parish priests, savored of schism. I, who hate every division, and whose most earnest desire is that all who live in any place may acknowledge, respect, and honor the pastor who is lawfully placed over them, would indeed wish to have priests well versed in all the tongues spoken in the country; but this I cannot have, and hence I pray and charge Your Reverences that wherever you celebrate holy Mass, preach, hear confessions, etc., you will do so in the parish churches only, announcing the language in which the sermon will be that in order that all who speak that language may come to hear it; and so all, without distinction of tongues, will become accustomed to recognize one only Church, one only Pastor, as is but proper and as they are in duty bound.

"Wherefore, in order to avoid any jealousy or distrust on the part of the priest to whom the pueblo of San José is confided, I beg of you not to exercise any of the functions of the ministry except in the church of the place; and, in order to bring about and strengthen the perfect union of all the faithful without distinction of tongue or nationality, and in order to preserve peace, harmony and good will with the parish priest, as is very necessary, I pray you most affectionately that you will forego the convenience that you would enjoy in the building of a public chapel in which you could exercise your ministry. Let us wait for a more suitable time, namely, when you will build your college with its own church, and then these towns of California, already well instructed in the unity of one only Church, will not look on it as strange that Your Reverences have your own; for they will already have been taught practically that all the faithful without distinction of language have but one

pastor, but one church in which they gather, and that particular oratories prejudice in nothing pastoral rights.

"The prudence and wisdom of Your Reverences will see that this, for the moment, is most necessary in order that inconveniences and jealousy on the part of the pastors may be prevented.

"I should take it as a great favor if Your Reverences would ask of your Father General two excellent priests who could come to the city of Los Angeles situated in the southern part of California, where the foundation of a college is of great importance, and where the people have made an offering of the land necessary, and made some donations which, with the presence of two Fathers, would quickly be increased by subscriptions; and with God's help the desired foundation would be effected.

"Kindly present my regards to Rev. Father John Nobili, and rest assured that you have at your service the affection of your sincere servant, Fr. José Maria de Jesus Gonzalez." [29]

Fathers Accolti and Nobili, under date of April 9th, 1850, from San Francisco in turn sent a joint letter from which we reproduce the following extracts: "Very Rev. and Dear Father in Christ:—Words cannot express the joy with which the letter of Your Reverence was received, nor the gratitude of heart with which it has been read; for, in it, Your Reverence has been pleased to bear solemn witness not only to your good will regarding us personally, but to the feelings of affection with which you embrace our whole Society which now, at length, after so long an interval, once more sets foot upon this soil [30] committed to your care. . . .

"However, as in San José, the chief city of Northern California, if not all, some arrangements and preparations have been made by us for commencing a college; as, moreover, some property and some money for putting up a part of the buildings have been freely offered by the faithful; as, finally,

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[29] "First Half Century," pp. 25-28.

[30] i. e. Lower California down to 1767. Fathers Accolti and Nobili were the first Jesuits in Upper California.

there is a good prospect of obtaining everything else required for the project in hand; nothing now remains for us but to obtain the approval of our Very Rev. Father General, whose kind permission for so good a work, relying on reasons which are almost certain, we do not hesitate to promise ourselves. . . .

"In order that, with greater ease and fruit, we may afford the needed (missionary) help, we have determined to go for a few days, and to go without delay, to the more distant towns that are destitute of priests; and the more so that already from various places have the petitions and earnest requests of many persons reached us, of those especially who are destitute of priests that speak their language, and who have begged us to afford them the desired opportunity. . . .

"As to the Oratory that we wished to build in San José, we most willingly acquiesce in the reason given by Your Reverence; for it has ever been the practice of our Society, whenever possible without detriment to the substance of our Institute, to depend not only on the commands of the Church's rulers, but even on the least indication of their will. To no parish priest would it willingly give just cause of offense; no right would it knowingly invade; nor would it even make use of its privileges unless they contribute to the greater glory of God and the good of souls. . . ." [31]

Soon after, Father Accolti was made Superior of the Oregon Missions and compelled to leave California. He departed in July 1850. Father Nobili was appointed "helper to the parish priest of the Pueblo of San José,[32] especially for those who speak English"; [33] but he also attended Mission San José, where his name appears in the Baptismal Register from May to July inclusive. This rather unpleasant arrangement did not last long; for a vacancy in one of the missions,

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[31] Fathers Accolti and Nobili to Fr. Gonzalez Rúbio, April 9th, 1850. Original Latin letter, three pages folio, in "Sta. Barb. Arch."

[32] Rev. J. M. Piñeiro, appointed to San José Nov. 26th, 1849. "Libro de Gobierno," where the name is spelled both Peñeiro and Piñeyro.

[33] "First Half Century," p. 33.

created through the recall to Mexico of one of the few remaining Franciscans, facilitated the object for which the Jesuits had come to California, and gave them a permanent home, as will appear presently.

Bishop Alemany, at length, unexpectedly arrived in the harbor of San Francisco on the steamer *Columbus* at 11 p. m., December 6th, 1850. His Lordship had come by way of the Isthmus of Panamá in company of the Rev. Francisco Sadoc Vilarrassa, O. P.,[34] and of the Ven. Mother Mary Goemaere, a Dominican Sister, who was to prepare a home for the first female religious community in California.[35] A public reception was accorded the Bishop by the most prominent citizens of San Francisco at St. Francis Church on the afternoon of December 10th. Addresses of welcome were presented in English, Spanish and French, to which the agreeably surprised Prelate responded in all three languages. The committee in charge of the memorable event was composed of Messrs. John A. McGlynn, Hugh O'Donnell, P. Moffat O'Brien, M. D., Charles D. Carter, Geo. O'Doherty, Thomas Jefferson Smith, Dennis McCarthy, and R. F. Ryan.[36]

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[34] He had till then been stationed at the Motherhouse of the Dominicans near Somerset, Ohio.—"Catholic Directory."

[35] "Dominicana," vol. i, December, 1900, p. 338. "Dec. 7. I arrive at San Francisco and find Father Anthony Langlois administering the northern portion of the State under faculties from the Vicar Capitular, the Very Rev. José Ma. de Jesus González of Santa Barbara," is the way Bishop Alemany notes his arrival in the "Libro Borrador."

[36] "Arrival of the Rt. Revd. Joseph Alemany, Bishop of California." Printed Report of the Reception and Speeches. "Sta. Barb. Arch."; "Dominicana," vol. i, 340-343. Contrast this reverential action of prominent citizens at San Francisco with the want of courtesy displayed by the prominent paisanos when the first Bishop of California arrived. Mariano Vallejo, who boasted of his superior enlightenment, had nothing but sneers, ridicule, and arrogant criticism for Bishop García Diego, the first head of the California Church in which he, nevertheless, claimed membership! See pages 225; 248-249, this volume.

The movements of the Bishop are carefully noted by his own hand in the "Libro de Borradores" as follows:

"December 14th. I leave for Santa Barbara to show my Bulls to the Vicar Capitular, and to take possession of the Diocese. The steamer would not touch at Santa Barbara, but left me and companion, Rev. Anthony Delmas, at San Pedro for Los Angeles.

"Dec. 25. Arrive at Santa Barbara in time to celebrate. Show my Bulls to the Vicar Capitular, who with Father José Jimeno and Father Francisco Sánchez, recognize the genuineness and acknowledge me the long expected Bishop of Monterey, and as such I take possession of the Diocese of Monterey, formerly called the Diocese of Both Californias, and I preach to the assembled people at the Old Mission.

"On the following days the Old Franciscan Missionaries explain to me that the tracts of mission land were, as they believed, *the real property of the Indians,*[37] who cultivated the same under their direction, and more especially under their alcaldes or chief Indian officers elected by the Indians themselves, and acting under the direction of the Fathers, but that the Churches, Church Edifices, Stores, Cemeteries, Orchards, and Vineyards with the Aqueducts should be considered the property of the Church.—J. S. Alemany, Bishop of Monterey."

On December 30th, 1850, Bishop Alemany approved and certified the receipt of the "Libro titulado de Borradores," and thereafter occasionally used it as a journal down to the year 1882.[38] On January 2nd, 1851, the Bishop's entry reads: "Father González hands me the documents of the Archives of the Diocese, including important papers, history, correspondence, etc., on the Pious Fund, all the Pontificals and Articles belonging to my predecessor, with some pieces

[37] So, from Fr. Serra down to Fr. González Rúbio, the Franciscans insisted that the Indians, and no one else, were the owners of the mission lands. Italics ours.

[38] "Libro Borrador."

of gold, the alms and offerings of past years, belonging to the Diocese. Continuing there for several days, he gave me much explanation on the state of the Diocese, the difficulty of Bishop García Diego in obtaining a place as residence, and the non-fulfilment on the part of Mexico of providing for him as promised. At the same time I continue Nicholas A. Den as administrator of the Santa Inés College Ranch." [39]

On January 13th, 1851, while still at Santa Barbara, Bishop Alemany issued his first Pastoral to his Diocesans. Therein he warned the people above all to preserve the Faith, which hordes of false teachers were endeavoring to take away by specious arguments.[40]

Finally, January 24th, 1851, Bishop Alemany appointed Fr. González Rúbio his vicar-general for all that part of California from San Miguel, inclusive, south to Cape San Lucas, Lower California, which he still regarded as under his jurisdiction.[41] The new vicar-general took the oath of office before Fr. José Joaquín Jimeno on January 28th, 1851.[42] Whether the Bishop still tarried at Santa Barbara on that date, it is impossible to determine. He probably embarked there for Monterey, and reached the placed fixed by Rome for his residence on the third or fourth of February; for the next entry, February 4th, reads: "I establish myself at Monterey, receiving board and lodging from the kind hospitality of the González family and of Don Manuel Jimeno and others.[43]

When Bishop Alemany "established" himself at Monterey,

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[39] "Libro Borrador."

[40] "Carta Pastoral del Ilmo. y Rmo. Fr. José S. Alemany, O. P., Obispo de Monterey en Alta California. San Francisco, Casserly, Callender y Cia. El Año 1851." Copy in "Sta. Barb. Arch."

[41] Original document in "Sta. Barb. Arch." Noted in "Libro de Gobierno."

[42] Note of Fr. J. J. Jimeno at bottom of the document.

[43] "Libro Borrador." Manuel Jimeno was the brother of the two Fathers Jimeno. He had been secretary of Gov. Alvarado for whom he had frequenty to act as executive. He kept his name unsullied, however.

without a residence of his own, in order to begin his activity as chief pastor of the diocese which embraced the whole State of California, he found under his jurisdiction the following priests and churches, counting from south to north:

San Diego, Old Town—Rev. John Chrysostom Holbein, C.SS.CC.

San Luis Rey—vacant.

San Juan Capistrano—Rev. José Maria Rosáles.

San Gabriel—Rev. Fr. José Joaquín Jimeno, O. F. M.

Los Angeles—Rev. Fr. Francisco Sánchez, O. F. M., Rev. Antonio Jiménez del Récio, Rev. Peter Joseph Doubet.

San Fernando—attended from Los Angeles.

San Buenaventura—Rev. Alexander M. Branchi, O. F. M.

Santa Barbara—Very Rev. Fr. José Maria de Jesus González Rúbio, O. F. M., and Rev. Fr. Antonio Jimeno, O. F. M.

La Purisima Concepcion—attended from Santa Inés.

Santa Inés—Rev. Theodosius Bossier, C.SS.CC., Rev. Felix Migorel, C.SS.CC.

San Luis Obispo—Rev. José Miguel Gómez.

San Miguel—attended from San Luis Obispo.

San Antonio—Rev. Dorotéo Ambris.

Nuestra Señora de Soledad—in ruins.

San Carlos Mission—attended from Monterey.

Monterey—Rev. Fr. Ignácio Ramírez de Arellano, O. P.

San Juan Bautista—Rev. Fr. Antonio Ánzar, O. F. M.

Santa Cruz—attended from San Juan Bautista.

Santa Clara—Rev. Fr. José Maria Suárez del Reál, O. F. M.

San José—Rev. José Maria Peñeiro and Rev. John Nóbili, S. J.

San José Mission—attended from San José.

San Francisco, Mission Dolores—Rev. John Gaspar Du Monteil, C.SS.CC., Rev. Flavian Fontain, C.SS.CC., and Rev. Anaclet Lestrade, C.SS.CC.

San Francisco, St. Francis—Very Rev. Anthony Langlois, Rev. Francis Coyle, Rev. John Fahy, and Rev. John M. Ant. Delmas.

San Rafael—Rev. N. Legrand.

San Francisco Solano (Sonoma)—Rev. Stanislaus Lebret, C.SS.CC.

Sacramento—Rev. John Ingoldsby.

The clergy of the diocese, therefore, consisted of twelve [44] secular priests, seven Picpus Fathers, seven Franciscans,[45] one Dominican, and one Jesuit, who were in charge of twenty-six churches and one seminary. In his first report for the Catholic Directory for the year 1851 Bishop Alemany estimated the number of Catholics to be about 40,000 in a population of about 150,000. The latter figure is the estimate of the United States Census official.

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[44] Revds. Santillan and Bongioami had left California in 1850.

[45] including the Italian Fr. Branchi who departed for other fields early in 1851, as his companion Fr. Romani had done in 1850. Fr. Blas Ordáz, the last of the Spaniards, who had come before Mexican Independence, died at San Gabriel November 11th, 1850.

## CHAPTER IX.

Bishop Alemany at Monterey.—First Convent School.—Sisters of Notre Dame at San José.—Changes among the Clergy.—The Jesuits at Santa Clara.—First Dominican Novice at Monterey.—First Ecclesiastical Synod.—Decrees.—The Pious Fund and Mission Lands.—Fr. González Appointed Administrator.—The Bishop Present at the First Plenary Council of Baltimore.—Goes to Mexico.—Steps to Secure the Pious Fund.—Happy Result.—First Ordination.—Cholera in California.—First Catholic Orphanage.—Sisters of Charity in Charge.—Fathers González and Sánchez Permitted to Stay in California.—The Last Franciscans.—Bishop Alemany Petitions for a Novitiate.—Request Is Granted.—Reply of the Franciscan Delegate-General.—The Friars Decide on a College.—The Bishop Grants Mission Santa Barbara.

BISHOP ALEMANY must have encountered numerous and uncommon difficulties; but he left no description of them. Administrative acts are noted in the fewest words in the *Libro de Gobierno* or in the *Libro Borrador;* but nothing indicates what hardships and anxieties they involved. Monterey had been designated by the Holy See as the headquarters of his activity; yet we know that, as late as 1844, the Montereyans had not provided their pastor with a decent dwelling.[1] How the priest in charge, Rev. Ignácio Ramírez de Arellano, O. P., contrived to live, or where he tarried, we have not been able to ascertain. At all events, the good Bishop's entry "I establish myself at Monterey, receiving board and lodging from the kind hospitality of the González family, and of Don Manuel Jimeno and others," reveals a situation which of itself was embarrassing enough, as every priest in care of small mission stations knows. He generously submits to the drawback until he can establish himself in a home of his own, be it ever so scantily furnished. It was well, therefore, that the new Bishop had been a missionary himself[2] before his elevation to the episcopacy.

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[1] See pages 392-393, this volume.

[2] In Ohio, Tennessee, and Kentucky, 1841-1850.

As was already stated, the Bishop had not come from the east alone; but, while he visited Santa Barbara, Fr. Vilarrasa and Mother Mary Goemaere had remained at San Francisco. Bishop Alemany at this juncture must have called them to Monterey,[3] for we find that Fr. Vilarrasa baptized there on March 21st, 1851.[4]

Mother Goemaere immediately made arrangements for the founding of the first Sisters' convent and academy for girls in California. In fact, the school was opened this year under the protection of St. Catherine of Siena. "It was a plain adobe house which had belonged to Don Guillermo Hartnett,[5] the outside apparently small, while the interior abounded in deep, square rooms. In this house there were at once accommodations for a day school and for a limited number of boarders. The language of the pupils was exclusively Spanish. Both the Bishop and Father Vilarrasa, who were natives of Spain, were in their element; they regularly taught in the school, without which assistance it would have been difficult to have carried on the good work." [6]

It was not till the following year that the two Sisters expected from the east arrived. They were Sister Mary Francis Stafford and Sister Mary Aloysia O'Neil, subsequently known as Mother Louisa. They had left their mother-house near Somerset, Ohio, on May 9th, 1851. At Cincinnati they were joined by the Rev. Eugene O'Connell, later on Bishop of Grass Valley, California, and four Sisters of Notre Dame de Namur from the convent at Cincinnati. These Sisters were

[3] More likely he went to San Francisco and returned with them, since, as will appear presently, he welcomed Notre Dame Sisters there in March.

[4] It is no. 5114 in the Register. The Bishop himself baptized no. 5128 on April 27th, 1851.

[5] rather William Hartnell, formerly Inspector of the Missions under Alvarado, then U. S. Interpreter of Spanish at Monterey.

[6] "Dominicana," vol. i, p. 343. The first novice to enter there, the first to join a religious Order in California, was Maria Concepción Argüello, daughter of former Governor José Darío Argüello. She received the white habit of St. Dominic at the hands of Bishop Alemany on April 11th, 1851. See "Dominicana," vol. ii, p. 13.

the Sisters Catherine, Mary Alenie, Aloysius, and Donatil, all destined for Oregon. The six Sisters with their Rev. Guide and Protector came by way of the Isthmus of Panamá, and reached San Francisco about the beginning of July, 1851.[7]

Whilst the two Dominican Sisters hastened to join Mother Mary Goemaere at Monterey, the Notre Dame Sisters found their destination changed to San José, California, through the zeal of Bishop Alemany. As early as March, two Sisters, Loyola and Mary Catherine, had come down from Oregon for the purpose of meeting the Sisters from Cincinnati, and conducting them to Oregon City.[8] At San Francisco Bishop Alemany had persuaded them to stay in California and establish a house at San José. After a visit to said town, being also pressed by the citizens and the Rev. Father Nóbili, S. J., whom they had known in the northern missions, the Sisters agreed to the proposition, and at once made preparations for founding the convent and academy.[9]

Thus it came to pass that California at one and the same time was enriched with its first two female religious communities. The formal record in the *Libro de Gobierno,* in the handwriting of Bishop Alemany, is dated August 8th, 1851.[10]

Meanwhile various clerical changes had taken place, due to the arrival of new priests and the withdrawal of others. According to the *Libro de Gobierno,* Rev. Anthony Langlois

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[7] "Dominicana," vol. i, 339; 343; "Notre Dame Quarterly," vol. iv, June 1912.

[8] The first Sisters of Notre Dame destined for the Indian missions in Oregon had left Belgium on January 9th, 1844, in the care of the famous Father De Smet, S. J. They came by way of Cape Horn, and reached their destination early in August. In December of the same year, they opened the first convent school. "Catholic Directory" for 1846, pp. 47-48; "Notre Dame Quarterly," June, October, December, 1909.

[9] "Notre Dame Quarterly," vol. iv, March and June, 1912.

[10] "8 Augusti. Facultas facta fuit Sororibus Tertii Ordinis S. Dominici, ut collegium instituere valeant in civitate Monterey. Item, Sororibus, vulgo de Notre Dame, in Civitate San José."

was on March 5th, 1851, appointed vicar-general for all that part of California north of Mission San Miguel. On the same date, Rev. Juan Francisco Llebaria was directed to take charge of Santa Cruz, and Rev. Dominic Blaive was appointed to the new congregation at Stockton. Two weeks later, March 21st, Rev. John Nóbili, S. J., was given permanent charge of Santa Clara. On May 25th the Revds. J. Bobard and Henry Alric were named for Sonora, Tuolumne County. For June 20th three appointments are noted: Rev. Leo Chemin for San Francisco Solano at Sonoma, Rev. Maximiano Agurto for Martínez, and Rev. Paul Jordan for San Buenaventura [11] in place of Fr. Branchi, O. F. M., who on August 8th, was granted leave to retire. Fr. Vilarrasa, on August 8th, was placed in charge of Mission San Carlos, and made spiritual director of the Dominican Sisters at Monterey. Fr. Ignácio Ramírez de Arellano, O. P., however, retained charge of the parish at Monterey, according to the Bishop's entry of July 8th. August 10th notes the appointment of Rev. Eugene O'Connell, till then at San Francisco, as rector of the seminary at Santa Inés, whence the two Picpus Fathers, Bossier and Migorel, had apparently been recalled by their Superior, since their names appear no more in the lists.[12] On the same date, August 10th, 1851, Rev. Dumiel was made pastor of San Rafael.[13]

The most important among the changes enumerated, doubtless, was the transfer of Mission Santa Clara to the Jesuit Fathers for the purpose of erecting a college there. This transaction was rendered possible through the recall to the motherhouse of Guadalupe, Zacatecas, of the last Franciscan

[11] Rev. P. Jordan, however, began to baptize there as early as April 22nd. It would seem that the Bishop's entries did not always coincide with the dates of his administrative acts.

[12] In his report to the "Catholic Directory," p. 255, year 1852, Bishop Alemany notes Rev. Amable Petithomme, C. S. C., (Picpus Father) as assistant to Father O'Connell, though no mention of him is found in the "Libro de Gobierno."

[13] "Libro de Gobierno."

in charge, Fr. José Suárez Reál.[14] The inventory, covering fourteen and one-half pages folio, begins with an historical sketch of the mission, and closes the list of articles with a description of the church building fifty-two by ten and one-half *váras*[15] in size. Fr. Reál subscribes thus: *"Entregue—Fr. Je. Ma. del R. S. del Reál."* Immediately beneath Father Nóbili adds: *"Recibi en el dia 21 de Marzo de 1851. P. Juan Nóbili, S. J."*[16]

The fact of the transfer of Santa Clara to the Jesuit Fathers was recorded in the *Libro de Gobierno* by Bishop Alemany himself, but not till August 8th of the same year, along with a similar permit to the Picpus Fathers at Los Angeles. The entry there reads: "Facultas facta fuit PP. Congregationis SS. Cordium Jesu et Mariæ (Picpus), ut Collegium instituere valeant in Civitate Angelorum. Item, PP. Societatis Jesu, ut Collegium instituere valeant apud Sanctam Claram."[17] Whilst the college at Santa Clara thrived from the beginning, and has of late become a university, the institution established by the Picpus Fathers at Los Angeles was not a success. Fathers Feliz Migorel and Anacletus Lestrade appear to have opened a boarding and day school for boys; but it seems to have existed less than two years. The Catholic Directory, at all events, makes no mention of it after 1853.[18]

Another important foundation took place at this period.

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[14] Fr. Guardian Palomár to Fr. González Rúbio, June 30th, 1852, where he repeats a former command not extant. "Sta. Barb. Arch."

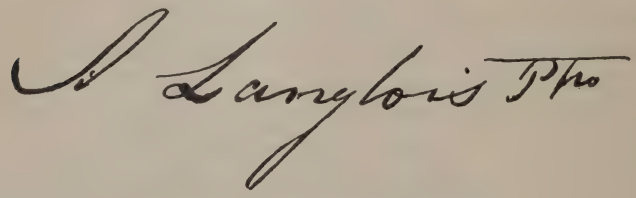
[15] One hundred and forty-three by twenty-seven feet, inside, doubtless.

[16] "I delivered—Fr. José Maria del Refúgio Suárez del Reál." "I received on the 21st of March, 1851.—John Nobili, S. J."—Inventory in the "Santa Barbara Archives."

[17] "Libro de Gobierno." According to "First Half Century" (p. 35), Bishop Alemany formally turned over Santa Clara Parish to the Jesuits on March 19th, "stipulating expressly that a Jesuit College should be established there." Nobili's first companion, Rev. Anthony Goetz, S. J., arrived later in the year from Oregon. "First Half Century," p. 42; "Catholic Directory," 1852, p. 255.

[18] "Catholic Directory" for the years 1852-1853.

Petitioned by Bishop Alemany and Fr. Vilarrasa, the Most Rev. Fr. Jerome Gigli, Vicar-General of the Order of Friars Preachers, on July 2nd, 1851, granted permission to establish a Dominican Province in California under the title of Most Holy Name of Jesus. In virtue of this permit, Bishop Alemany and Fr. Vilarrasa, on February 4th, 1852, founded the Convent of St. Dominic at Monterey, and in connection with it the first male novitiate in California. The first



Signature of Rev. Anthony Langlois.

novice, it seems, was the Rev. Anthony Langlois, heretofore vicar-general for the northern part of California. In March, 1854, the novitiate and community was transplanted to Benicia, Cal., where Fr. Langlois, then Fr. Augustin, made his solemn profession on St. Francis Day, October 4th.[19]

Early in 1852, also, Bishop Alemany convoked the clergy of the diocese for the first ecclesiastical council or synod in California. The sessions began on Friday, March 19th, and continued to March 23rd. The Bishop presided, and Fr. González Rúbio is mentioned as vice-president. Fr. José Joaquín Jimeno and Fr. Francisco Sánchez also participated. What other priests attended, we have not been able to ascertain. The principal subjects which engaged the attention of this conference were: the Tithes and how to collect them, or what

[19] "Dominicana," ii, 47-48; iv, 171. The Mexican Dominican, Fr. Ramírez, was recalled to Mexico. His last baptism, no. 5259, was entered February 2nd, 1853. Fr. Vilarrasa succeeded him at Monterey. His last entry, no. 5346, is dated February 28th, 1854. Rev. Francis Foretnick followed till July, 1854, when Rev. Sebastian Filoteo took charge until November 28th, 1855. Rev. Cajetan Sorentini then became pastor. "Libro de Gobierno"; "Catholic Directory."

other means for the support Divine Worship and the clergy might be preferable; Clandestine Marriages between Catholics and non-Catholics. The decrees were sent to Rome for approval.[20] Two other questions—The Pious Fund and the Mission Lands—were brought before the synod and acted upon at once. With regard to the former, the Right Rev. Bishop was petitioned to proceed to Mexico in person for the purpose of urging the Mexican Government to comply with the will of the founders of the Pious Fund. Concerning the Mission Property, Bishop Alemany makes this entry in the *"Libro Borrador"*: "March 10.[21] All the priests of the Diocese assembled in Diocesan Synod, concur with me in urging the U. S. Land Commission to confirm to me the mission property." This note is of the highest importance in that it is the only official evidence in either the *"Libro Borrador"* or the *"Libro de Gobierno"* that any synod was held in California during the year 1852. Gleeson himself, though he had access to the Archives of the Archdiocese, seems to have never heard of a synod. At all events, he makes no mention of it in his "History of the Catholic Church." Concerning the Mission Lands we must bid the reader wait till the next chapter, where the resolutions will be quoted in full.

Bishop Alemany immediately prepared to leave for the East in order to participate in the First Plenary Council of the Bishops of the United States,[22] which was to convene at Baltimore on May 9th, 1852, and then to personally prosecute his claims in Mexico. Before starting out on his long journey, he on April 1st, 1852, appointed Fr. González Rúbio his vicar-general for the whole diocese and administrator of

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[20] "Sta. Barb. Arch." For the report of the proceedings of the synod and Rome's answer, see Appendix G.

[21] Should doubtless be March 20th, as the sessions began March 19th and continued to March 23rd. The Bishop frequently made entries later, and then supplied the dates from memory, it seems.

[22] It was opened by Archbishop Francis Patrick Kenrick, D.D., on Sunday, May 9th, and closed on Ascension Day, May 20th, 1852. Five Archbishops and twenty-four Bishops took part. Shea, "Catholic Church," vol. iv, 366-370.

the same during the absence of the Bishop. In case Fr. González should die or be incapacitated, Rev. Eugene O'Connell was to govern the diocese as administrator.[23] At the same time, Rev. J. F. Llebaria was appointed vicar-general for the northern part of California, subject, however, to Fr. González.[24]

While at Baltimore, Bishop Alemany wrote, May 18th, 1852: "I confer with the Archbishop of Baltimore and other Prelates on the large debt due by Mexico to our Church and Missions of California." [25] From thence he made his way to Mexico, in what manner is not stated. There he wrote in July without specifying the date: "I demanded in the City of Mexico of that Government that satisfaction be made to our Church in California; that as successor to Bishop García Diego I justly demanded for my Missions and for my Church what Mexico owed from the Pious Fund to my Diocese; and that they should cease also to oppose my administration in Lower California." [26] The good Bishop's efforts were in vain, however, for he writes: "During July and August I continued to demand of the Mexican Government the above; but after many delays they notified me that they could not accede to my demands. I then quitted the Capital." [27]

We have already seen that the Mexican Government re-

[23] Original document in "Sta. Barb. Arch."

[24] "ita ut cum eo (i. e. Fr. González) et sub eo Rev. J. F. Llebaria idem munus obieret in parte septentrionali." "Libro de Gobierno," where the appointment is entered May 9th, 1852, though given April 1st. On May 9th Bishop Alemany was in Baltimore.

[25] "Libro Borrador." Shea, "Catholic Church," vol. iv, 369-370.

[26] "Libro Borrador."

[27] "Libro Borrador." The Diocese of Monterey had already been separated from the jurisdiction of the Archbishop of Mexico and placed under the immediate jurisdiction of the Holy See on December 21st, 1851. The Papal Decree, however, failed to reach the Bishop until November 28th, 1852. "Libro de Gobierno"; Archb. Lazáro to Fr. González Rúbio, December 4th, 1852; Fr. Bern. Pérez to Fr. González, August 27th, 1852. "Sta. Barb. Arch." Shea, "Catholic Church," iv, p. 367.

fused to recognize Bishop Alemany's jurisdiction over Lower California.[28] His Lordship, doubtless, was told as much. Hence this note in the *Libro Borrador:* "At the close of the year (1852) I asked and obtained of the Holy See that Lower California be separated from my Diocese." [29]

Notwithstanding the refusal of the Mexican Government to come to terms on the question of the Pious Fund belonging to California, Bishop Alemany had no intention of allowing the matter to rest there. On the contrary, he consulted lawyers and collected documents with the determination to institute a regular suit, much as he loathed litigation. The Pious Fund belonged to the Church, and he must endeavor to secure it. An entry in the *Libro Borrador* of July 22nd, 1859, shows what steps were taken to compel the Mexican Government to make restitution: "Apply to Secretary of State, Hon. Lewis Cass, per Attorney J. T. Doyle, for redress in the injury done our California Missions, Mexico paying no attention to our just demands." Ten years later we find this entry: "1869. December. Rev. William Gleeson employed in compiling Records and Accounts of the Pious Fund of the Californias. J. S. Alemany, Abp. of San Francisco." In the next year, 1870, this memorandum is of interest: "Eugene Casserly and J. T. Doyle busily engaged in preparing our case on the Pious Fund before the Mixed Commission of the United States and Mexico. Rev. Hugh P. Gallagher sent to Washington as our attorney in the case. J. S. Alemany, Abp. of San Francisco." We may imagine with what relief and satisfaction Archbishop Alemany penned this last entry in the *Libro Borrador:* "1875. November 11. Sir Edward Thornton, Umpire in the Mixed Commission between the United States and Mexico, decided in favor of the Bishops in the case of the Pious Fund." [30]

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[28] See pp. 671-672, this volume.

[29] "Die 17 Aprilis 1853 receptae sunt Litterae Apostolicae quibus California Inferior a Diocesi Montereyensi sejungitur." Bishop Alemany in "Libro de Gobierno."

[30] "Libro Borrador." For the complete history of the Pious Fund see volume i, this series.

The first evidence of Bishop Alemany's return from Mexico is found in the *Libro de Gobierno* under date of November 26th, 1852, when he notes the fact that he had elevated Deacon John Quinn to the priesthood at St. Francis Church, San Francisco.[31] Two days later His Lordship appointed Rev. Florian Schwenninger from New York pastor of the Germans in San Francisco.[32] On the same day, November 28th, Rev. Eugene O'Connell was named pastor of the English-speaking Catholics of San Francisco, and Rev. Hugh Gallagher of Pittsburg was made his assistant.[33]

Owing to the arrival of new priests and the departure of others, various changes took place at this period. They are more appropriately recorded in the local narrative, which future diocesan chroniclers may easily continue from this out by consulting the respective parish registers and the files of Catholic periodicals. Several items and events of general interest, however, remain to be noted, and with them we shall bring the chapter and our history to a close.

In 1850 immigrants appear to have introduced the cholera which had prevailed in the Eastern States during 1848-1849. A great many Indians as well as white people fell victims to the scourge. At San Francisco the average number of deaths per month during October, November and December was estimated at between four and five hundred. Many of the afflicted were Catholics, so that the two priests in the city, Rev. A. Langlois and Rev. J. Croke, had their hands full attending the dying. The epidemic extended to the mines and Sacramento, at which latter place the Dominican, Rev. Anderson, himself was carried off, as already stated. Naturally, many orphans, among whom not a few Catholic children, were left on the hands of the community. To

[31] "Libro de Gobierno." This was the first ordination since 1846, and the first at the hands of Bishop Alemany in California.

[32] "Libro de Gobierno." He was a Benedictine, and appears for the first time in the "Catholic Directory" of 1845 as assistant priest at Utica, New York. The "Directory" of 1854 mentions him as in charge of Shasta, Cal.

[33] "Libro de Gobierno."

MOST REV. JOSEPH SADOC ALEMANY, O. P., FIRST ARCHBISHOP OF SAN FRANCISCO.

provide for them, early in 1851 a meeting of generous Catholics resolved to establish an asylum and free school in charge of Sisters of Charity. A society was formed to guarantee the means for erecting the buildings, and for the maintenance of the institution, under the title of *Roman Catholic Orphan Asylum and Free School Association of San Francisco.* At the second meeting, March 23rd, 1851, Mr. John A. McGlynn was chosen president. Three months later, Messrs. John Sullivan, Timothy Murphy, and Jasper O'Farrell donated to Bishop Alemany one-half of a hundred *vára* lot on Market Street, and there eventually the Orphans' Home was erected, the first in California. While participating in the First Plenary Council at Baltimore in 1852, Bishop Alemany succeeded in securing the Sisters of Charity of Emmitsburg, Md., for the proposed institution. On June 17th, seven volunteer Sisters started out for their distant field of charitable work. Coming by way of the Isthmus of Panamá, the two Sisters Ignatia Green and Honorine fell victims to the cholera. The survivors, who reached San Francisco on Wednesday, August 18th, 1852, were the Sisters Frances McEnnis, Fidelis Buckley, Sebastian Doyle, Berenice Williams, and Corsina McKay.[34]

The death of Fr. Blaz Ordáz in November 1850, and the departure of Fr. José Reál in March 1851, had reduced the Franciscans in California to five: Fr. José J. and Fr. Antonio Jimeno, Fernandinos, Fr. Antonio Ánzar, Fr. González Rúbio and Fr. Francisco Sánchez, Zacatecanos. The reason why the two last-named continued at their post may be gathered from two letters of the Fr. Guardian of Guadalupe, Zacatecas. "Although I should not like Your Reverence to stay in California," he wrote to Fr. González on June 30th, 1852 (for your presence would be very useful to me), it has become necessary, in view of the confidence which the Right Rev. Bishop Alemany has placed in Your Reverence and in Fr. Sánchez, as well as in our College, that you both stay there, in order that the plans of His Lordship may be

[34] Gleeson, "Catholic Church," vol. ii, 203-208. The names were supplied by the Sisters of Charity, Santa Barbara.

accomplished for the good of souls. You, therefore, have permission to serve as vicar-general of California. I enclose to Your Reverence the reply for Bishop Alemany by which we accede to his petition that Your Reverence continue as vicar-general, and Fr. Sánchez for the Apostolic College to be founded." [35] More than a year later the Fr. Guardian again wrote: "With deep regret the Discretory of the College has learned that the Bishop of your Diocese continues destitute of priests. For this reason it has resolved that Your Reverence and Fr. Sánchez may remain with him until he has priests who may be useful to him. May God grant him this benefit; but meanwhile I supplicate Your Reverence, and I hope that your will may be disposed to stay in Upper California for that purpose. I am telling Fr. Sánchez the same thing under this date. Your Reverence will for your consolation do everything possible in order that the Bishop may be provided with ecclesiastics who may be a help to him, so that Your Reverence may very soon take a rest at this College." [36]

Fr. José J. Jimeno and Fr. F. Sánchez had ceded Santa Inés, and later San Gabriel with Los Angeles, to the Picpus Fathers, and then retired to Mission Santa Barbara, the last of the twenty-one established by the Franciscans still in their charge. From here three Fathers attended to the spiritual wants of the Barbareños and surrounding ranchéros, for scarcely any Indians had outlived the war upon themselves and their property. Fr. González was chiefly engaged ruling the southern part of California as vicar-general and administrator. In this way, and through the generosity of benefactors, the last friars eked out a living; but what of the

[35] "Incluyo á V. R. la contestacion para el Sr. Alemani donde se accede á su peticion de que V. R. quede con el Vicariato General, y el Padre Sánchez para la ereccion de Colegio Apostolico." Fr. Diego Palomar to Fr. González Rúbio. "Sta. Barb. Arch."

[36] "V. R. para su consuelo procurará hacer lo posible, á fin de que el Sr. Obispo se provea de eclesiasticos que le ayuden, para que V. R. mas pronto descance en este su Colegio." Fr. Palomár to Fr. González, November 22nd, 1853. "Sta. Barb. Arch."

future? Plainly, the little community of Franciscans was doomed to extinction. No recruits could be expected from Mexico; for the spirit of the unspeakable Voltaire and of French atheism had long begun to pervade every department of the general and local governments. Herrera's, Zuloaga's and Miramon's very brief administrations were the last that in apparent good faith strove to secure the welfare of the whole country without oppressing Religion and its ministers. With the accession of Juan Álvarez, under whom the fanatical Benito Juárez assumed the post of Minister of Justice and Ecclesiastical Affairs,[37] open war was declared against Religion.[38] This culminated in Juárez's decrees of July 12th, 1859, confiscating all Church property, and in the banishment of the universally esteemed Archbishop Lázaro in 1861.[39] Religious Orders, the natural foes of looting and libertinism,[40] incurred the especial hatred of the so-called "liberal" would-be statesmen. It became a crime to wear a religious habit, to live in community for the worship of the Creator

[37] This was like putting a bull in charge of a glassware shop. See for his antics at "reforming" Religion the "Codigo de la Reforma," by F. P. García. Mexico, 1903.

[38] They did not put it that way, of course, but concealed their intent by substituting "clergy." The thief hates the judges and police for the same reason. They represent Law and Order, just as the clergy represent Divine Laws which cannot be twisted to sanction libertinism and robbery. Satan could never deceive people if he appeared in his true form. His disciples have learned as much. The mission despoilers had also discovered the effectiveness of misleading phrases and mud-slinging. Compare Appendix E.

[39] Bancroft, "Mexico," v, 692. It is a pity that no honest documentary history of Mexico exists in English. Bancroft's is a hotch-potch concocted in the interest, not of truth, but of the anti-Christian liberalism which has logically developed into the abomination of desolation and bestialities under the Carranzistas and Villistas in poor Mexico.

[40] For the reason of the war on religious Orders see Appendix C in the preceding volume. Hence it was that the College of Guadalupe, Zacatecas, could hold no chapter after 1857. Its last is dated November 7th, 1857.

and for personal sanctification according to the Gospel of Christ, or to accept novices.

The four religious at Santa Barbara, well aware of the ultimate fate of their community unless some means were found to perpetuate their Order on the coast, proposed to establish, on a small scale, a missionary college, similar to those of San Fernando and of Guadalupe which had trained the friars for the Indian missions. They proposed the plan to Bishop Alemany in 1851. His Lordship not only approved the plan, but took it upon himself to advocate the founding of such an institution with a novitiate for his own brethren, the Dominicans as well, before the Holy See and the Superiors-General of both Orders. The good Bishop, accordingly, addressed the following petition to Pope Pius IX:

"Friar Joseph S. Alemany, of the Order of Preachers, by the grace of God and the favor of the Apostolic See unworthy Bishop of Monterey in Upper California, prostrate at the feet of Your Holiness, humbly represents: That the Religious of the Orders of St. Francis and of St. Dominic have labored with apostolic zeal, and with much fruit to the souls in this Diocese; but now similar Religious may not be expected either from Spain or from the Mexican Missionary Colleges. Desirous, however, of having religious men, who, inflamed with the spirit of poverty and of zeal for souls, may devote themselves to labor in these missions, he humbly and earnestly supplicates that at least one convent or college of each of these Orders be established for the missions in this Diocese, and that to them be granted a novitiate." [41]

The petition was granted, as will be seen from the following letter: "At an audience had with His Holiness on February 29th, 1852, our Most Holy Lord, by Divine Providence Pope Pius IX,—I, the undersigned Secretary of the Sacred Congregation of the Propagation of the Faith, having explained the matter, and the desire of the Rev. Father

[41] The copy in the archives bears no date; but the original was probably dated February 1st, like the petition to the Superior-General.

Vice-General and of the Definitors of said Orders having been heard,—graciously granted the petition. Given at Rome in the Office of said Sacred Congregation on the date and in the year as above. Gratis, without any fees under whatsoever title.—Al. Barnabo, Sec." [42]

Of course, the Fathers could not properly have made application to the Holy See for such a work over the heads of the Superior in Rome. The preceding concession, indeed, presupposed the consent of the Superiors-General. Knowing this, Bishop Alemany had at the same time, February 1st, 1852, petitioned the Father General of the Franciscans for permission to found a college with a novitiate. The reply from the Delegate-General was as follows: "With real pleasure to my soul I received Your Excellency's most precious letter of the 1st of February last, directed to the Most Rev. Minister-General (who is absent from the Capital holding visitations), in which you deign to say such grand things about the poor religious, my subjects, existing in your venerable Diocese, and of whom notice is given that they plan a hospice or college in the Mission of Santa Barbara, or in some other locality, and that for such purpose authority is asked of the head of the Order to whom said religious are subject, to whose call they must respond absolutely and sincerely, since without it they would be without a lawful head, and without which they could not preserve themselves in true obedience to their vows. I, therefore, greatly appreciate the zeal of Your Excellency, and by virtue of the present letter I grant to the Rev. Fr. José Joaquín Jimeno, Commissary-Prefect of the missions, all the faculties necessary for the purpose of establishing a hospice or college at Mission Santa Barbara,[43] or at any other place, and I also grant

[42] "Sta. Barb. Arch." At the foot of the document in Bishop Alemany's hand are these words: "Est copia originalis penes me. Fr. Josephus S. Alemany, Epus. Monteregis, Califa. Super."

[43] The Spanish copy of the Italian original, to which Bishop Alemany certifies, has San Gabriel Mission. Probably an error of the translator.

authority to receive and invest novices according to the circumstances of the new establishment.

"After the college has been organized with the religious existing in that mission, according to the Rules of the Pontifical Bulls and of the Constitutions of the Order, they will all assemble in the name of the Lord to elect their own Superiors, and immediately forward the acts of the meeting to the said Father Minister-General for his approval and blessing. Moreover, for such electoral assembly I hereby wish to communicate the necessary authority. Meanwhile, I recommend to the great goodness of Your Most Rev. Excellency the said religious in order that you may help them and take them under your high protection, so that they may be of real utility to souls, and a credit to the Order of which Your Grace has deserved so well. I beg you, meanwhile, to accept the assurance of my sincere appreciation and profound respect. —Your Excellency's most humble and sincere servant, Fr. Antonio De Rignano, Delegate-General. Rome, Ara Coeli, April 1st, 1852." [44]

Bishop Alemany immediately communicated the good news to his expectant clients at Santa Barbara. The College of San Fernando, Mexico,[45] was likewise notified, whereupon the Fr. Guardian, Fr. Jesus Orruño, hastened to California in order to be present at the formal founding of the missionary college. The good Bishop himself made the long journey from San Francisco for the purpose of cheering the friars on this occasion by his sympathetic presence, as the following document shows: "In virtue of the Papal faculties, and with the cordial consent of the Right Rev. Bishop Joseph Sadoc Alemany,—the Very Rev. Fr. José Maria González, the Very Rev. Jesus Orruño, Guardian of the Apostolic College of

[44] "Sta. Barb. Arch."

[45] At the end of 1849, this community counted fifteen Fathers, two friar students, two novices, three lay-brothers, and five "donados" or Secular Tertiaries. "Memoria del Ministerio de Justicia y Negocios Eclesiasticos," February 6th, 1850. The two Jimeno Fathers and the late Fr. Blas Ordáz were probably included in the count. "Sta. Barb. Arch."

San Fernando, Mexico, the Rev. Fr. José Joaquín Jimeno, Prefect of the Missions in California,[46] and the Rev. Fr. Francisco Sánchez, at a meeting held in this Mission of Santa Barbara, Alta California, on the fifth day of January, in the year of our Lord 1853, resolved that this Mission should be turned into an hospice,[47] and that the Rev. Fr. José Joaquín Jimeno, a religious of San Fernando, should be the Superior. With the help of God this foundation will be the beginning of an Apostolic College of the Propagation of the Faith. This resolution, signed by all those interested, shall, for a perpetual remembrance, be the first document in the Archives, which shall commence with this event. Santa Barbara, Alta California, January 7th, 1853. Fr. Joseph Sadoc Alemany, Bishop of Monterey, Alta California; Fr. José Maria de Jesus González, Vicar-General; Fr. Jesus Orruño, Guardian; Fr. José Joaquín Jimeno, Commissary-Prefect; Fr. Antonio Jimeno; Fr. Francisco de Jesus Sánchez." [48]

Next day, Feast of the Epiphany, January 6th, 1853, Bishop Alemany thoughtfully and generously presented the following document to the Fathers: "Gobierno Episcopal de Ambas Californias. Inasmuch as the Sons of our holy Father St. Francis have brought the Catholic Faith to these regions of Upper California, have incessantly preached it, and have irrigated the same with the sweat and the blood of apostolic labors, without failing to grace it with the flowers of evangelical virtues, We with the highest gratification of mind concede to them that they may establish an hospice and college for the missions of their Order at Mission Santa Barbara, or, if this be deemed unsuitable, in any other place to be designated in Our Diocese, so that from there missionaries may go forth to convert to our Faith the pagan natives, and may organize missions in accordance with the will of their

[46] He had been elected comisário-prefecto, to succeed Fr. Durán, at the chapter held at San Fernando in 1846. In 1852, he had been reelected. "Libro de Difuntos,"—"Sta. Barb. Arch."

[47] Missionary home, house of refuge, retirement, recess, and recuperation.

[48] "Sta. Barb. Arch."

regular Superiors. Given at Santa Barbara, Feast of the Epiphany of Our Lord, 1853. Fr. Joseph Sadoc Alemany, Bishop of Monterey Upper California.—Fr. Jesus Orruño, Pro-Secretary. Reg. fol. 11." [49]

Three months later Bishop Alemany formally bestowed Mission Santa Barbara upon the Franciscans for the purpose of conducting there an ecclesiastical college. Addressing Fr. José J. Jimeno on the subject the Bishop wrote: "Inasmuch as religious of the Order of our holy Father St. Francis, our most dear Brothers, have planted and cultivated the holy Catholic Faith in this Diocese with apostolic zeal and with great benefit to souls, We gladly permit them to establish an Apostolic College for Missions in the Diocese, and for this purpose We transfer to them the Mission of Santa Barbara, in such a way, however, that the Very Rev. Fr. Joseph González Rúbio remain pastor of the congregation as long as he may desire, and that he may always occupy those parts of the Mission which may suit him more. Given at San Francisco, Upper California, on the 18th day of April, 1853. Fr. Joseph Sadoc Alemany, O. P., Bishop of Monterey, Upper California. The localities assigned to Very Rev. Fr. González will continue subject to the disposition of the Superiors

[49] "Gobierno Episcopal de Ambas Californias. Cum Filii S. P. N. Francisci Fidem Catholicam in has Californiae Superioris regiones asportaverint, eamque incessanter praedicaverint, laborum apostolicorum sudore necnon sanguine irrigaverint, quin et evangelicarum virtutum floribus exornaverint; summa animi gratulatione eis concedimus, ut Hospitum et Collegium pro Missionibus eorum Ordinis instituere valeant in Missione Sanctae Barbarae, vel, hac inutili considerata, in alio loco designando in hac nostra Dioecesi, ut inde exire queant Missionarii ad indigenas infideles in fidem nostram reducendum, missionesque efformandas de voluntate suorum regularium superiorum. Datum Sanctae Barbarae, die Epiphaniae Domini millesimi octingentesimi quinquagesimi tertii.—Fr. Josephus Sadoc Alemany, Epus. Montisregis, Californiae Superioris.—Fr. Jesus Orruño, Pro. Secr. Reg. fol. 11."—"Sta. Barb. Arch."

of aforesaid College, after the death or departure of said Fr. González." [50]

[50] "Gobierno Episcopal de la Alta California.—Admodum Rev. P. Fr. Josepho J. Jimeno, Pref. Missionum. Salutem.—Cum Religiosi Ordinis S. P. N. Francisci, Carissimi Fratres nostri, zelo apostolico magnoque animarum fructu in hac dioecesi Fidem Sanctam Catholicam et plantaverint et coluerint; libenti eis animo concedimus, Collegium Apostolicum pro Missionibus in dioecesi instituere, pro quo eis tradimus Missionem Sanctae Barbarae, taliter tamen quod Adm. Rev. P. Fr. Josephus González del Rúbio et Pastor Congregationis remaneat toto tempore quo ipse voluerit, et illas Missionis partes uti cellulas et loca occupare semper valeat, quae ei magis placuerint. Datum Sancti Francisci, Californiae Superioris, die decima octava Aprilis, millesisimi octingentesimi quinquagesimi tertii. Fr. Josephus Sadoc Alemany, O. P., Epus. Montisregis, Calif. Super.—Loca A. R. P. González dedita, manebunt sub dispositione Superiorum Collegii praedicti post mortem vel defectu dicti P. González. Datum ut supra. Fr. Jos. Sadoc, Epus. Montisregis, Cal., etc.—Fr. Antonio Jimeno, Pro-Secretario. Reg. fol. 12." The Bishop, in writing to the Fathers, always uses the initials "Fr.," indicating his membership in a religious Order. Numerous personal and official letters addressed to Fr. González, and preserved at Santa Barbara, attest the Bishop's high esteem and affection for the humble friar who so ably discharged the offices of vicar-general and administrator.

## CHAPTER X.

The Franciscans Establish a College in the City of Santa Barbara.—First Novices.—Interest and Sympathy of the Dominicans.—Compact Between Dominicans and Franciscans.—Archbishop Alemany Orders Books Restored.—Diocese Divided.—San Francisco an Archdiocese.—The First Archbishop.—New Bishop of Monterey.—Fr. González Vicar-General and Administrator.—Fr. González Embarrassed.—Attempts to Sail for Mexico.—The Barbareños Prevent Departure.—First Synod at San Francisco.—Arrival of Nuns.—The Presentation Sisters.—The Sisters of Mercy.—First Seminary of the Archdiocese.—Ordination of Priests.—Bishop Amat Arrives.—Relics of St. Vibiana.—The Bishop's Pastoral.—Sisters of Charity for Los Angeles.—Bishop Amat Takes Up His Residence at Mission Santa Barbara.—Ordinations.—Assignments.—College of Vincentians at Los Angeles.—Death of Fr. José Joaquín Jimeno.—Bishop Amat Desires to Exchange the Mission for the Franciscan Church and Convent in Santa Barbara.—Change Effected.—The College at the Mission Retains Its Title.—Spiritual Favor for the Mission Church.—The College of San Fernando de Mexico.

WHEN Fr. Gonzáles Rúbio had selected his quarters at Mission Santa Barbara, along with Fr. Antonio Jimeno, who had been in charge of the neophytes there since January, 1829, what remained of the old mission buildings proved so unserviceable for a college and novitiate that Fr. J. J. Jimeno had to look for another place; for "secularization" with its "comisionados" and "administradores" had played havoc in the sacred precincts, although, owing to the presence of Fr. Prefecto Durán, not so audaciously as at other missionary establishments. With the consent of Bishop Alemany, therefore, the Fr. Presidente purchased the site of the present parish church and adjoining lots in the city of Santa Barbara, and early in 1854 began the construction of the adobe church and convent.[1] The latter structure, being finished by the month of July, was blessed on Sunday, July 23rd, 1854, and, like the new parish, placed under the patronage of our

[1] Details belong to the next volume on local affairs.

Lady of Sorrows. Vicar-General Fr. González Rúbio sang the High Mass, assisted by Fr. J. J. Jimeno and Fr. Francisco Sánchez as deacons, in the chapel of the new convent. There were present Fr. Antonio Jimeno, Don José de la Guerra, the síndico of the Franciscans, and a large concourse of people. The Papal document and the permission of the Franciscan Delegate General, as well as the permit of the Diocesan Bishop, were read to the people, and then Fr. Sánchez preached the sermon. In the afternoon of the same day, a large congregation again assembled in the chapel in order to witness, for the first time in California, the bestowal by Fr. J. J. Jimeno of the Franciscan habit upon three young Catalonian students, whom Fr. Guardian Orruño had secured from Spain. All three persevered and eventually became priests. The habit of lay-brothers was also given to Gerónimo López and José Hermenegildo Salgado.[2]

Hardly less delighted with the new foundation than the Franciscans were Bishop Alemany and his Dominican Brethren. In the name of the latter, Fr. Vilarrasa wrote to Fr. J. J. Jimeno from San Francisco, Cal., under date of October 25th, 1854: "Very Rev. Father: I was looking for a suitable opportunity to write you with security against having the letter go astray. It is offered to me through Don Pablo de la Guerra. It is superfluous to express the satisfaction we have at seeing the Apostolic College established and the novitiate formally opened, which, with the help of God, will be a nursery for preparing the sons of our Father St. Francis to the immense benefit of the Church in California. The only regret we feel is that the said Apostolic College is located at so great a distance from Benicia; for we had wished that it might be nearer, so that we might more frequently find an occasion to manifest our mutual affection and fraternal concord. However, as that is not possible, we shall seize the opportunities that offer themselves for the

[2] The Record of the Proceedings was drawn up by Fr. González. "Sta. Barb. Arch"; "Historia Cristiana de la California," Apendice, Mexico, 1864.

purpose of preserving and, if possible, of strengthening our union.

"The account which Your Reverence sent us was read in the refectory, and on the Sunday immediately following its reception a *Te Deum* was sung after Vespers, in order to give thanks to God for the beginning of a work so conformable to our desires.

"The feast of our[3] Father St. Francis, October 4th, was celebrated with the same solemnity as that of our Father St. Dominic. After the solemn High Mass, at which our Sisters also were present with all their pupils, Fr. Augustin Langlois made his solemn profession.

"We hope that God may grant us the grace to see the College prosper every day more and more, for which purpose we shall not cease to offer Him our poor prayers. Meanwhile, I beg you to express my regards to the other religious, asking them to remember us in their prayers, and to consider me their and Your Reverence's faithful servant and brother. Q. S. M. B.—Fr. Sadoc Vilarrasa, O. P."[4]

The Dominicans and Franciscans, furthermore, entered into a formal agreement, similar to the one the same friars had made in Lower California eighty-one years previously.[5] This obliged each priest to celebrate six holy Masses for the soul of any priest of either Order who died at his post in California. In the case of Bishop Alemany, twelve holy Masses were to be offered up. For those not priests, even lay-brothers, three holy Masses were to be celebrated. The very novices were remembered; for two holy Masses were to be offered up in behalf of the soul of one who had worn the

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[3] Franciscans and Dominicans alike speak thus of the two Saints, and thus both are commemorated in the Breviary and Missal of the two Orders.

[4] "Sta. Barb. Arch." See also "Dominicana," vol. iv, 171. Bishop Alemany to Fr. J. J. Jimeno, San José, July 28th, 1854. "Sta. Barb. Arch." Congratulations likewise came from Rev. Eugene O'Connell from distant All Hallows Seminary, Ireland, under date of December 8th, 1854. "Sta. Barb. Arch."

[5] See vol. i, p. 482, this series.

habit six months. In the case of one less than six months in the Order, one holy Mass was celebrated by each priest. Those not priests reciprocated by reciting a stated number of Offices for the Dead, or a certain number of *Pater Nosters* and *Ave Marias*. The *"Convenio"* or Agreement was signed by Fr. José Sadoc Alemany, O. P., Fr. Sadoc Vilarrasa, O. P., Fr. Vicente Vinyes, O. P., Fr. Domingo Costa, O. P., Fr. Raymundo Cervera, O. P., Fr. Luis Berenguer, O. P.,— Fr. José Joaquín Jimeno, O. F. M., and Fr. Francisco de Jesus Sánchez, O. F. M., and dated *"Convento de N. P. Sto. Domingo de Benícia, California, Mayo 15 de 1854."* [6]

Another evidence of Bishop Alemany's solicitude for the welfare of the Friars Minor, as well as of his sense of justice, will be noticed in the following mandate: "By these presents We ordain that all the Rev. Curates of the Diocese of Monterey be pleased to place at the disposition of the Very Rev. Father Prefect José J. Jimeno all the books belonging to the College of San Fernando, which may be found in their respective localities, collecting to that end those that may have been lent to private individuals. San Francisco, October 3rd, 1854. Fr. José S. Alemany, Bishop of San Francisco, Administrator of Monterey." [7]

Probably it was difficult to decide which books belonged to the College of San Fernando; for in many cases neither the College mark, nor any reference was noted in the books, but only the name of a friar with the customary note, *"in usum simplicem,"* [8] or only the name. However, all the

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[6] "Convenio etc."—"Sta. Barb. Arch."

[7] "Por los presentes ordenamos á todos los R. R. Señores Curas de la Diocesis de Monterey, que se sirvan poner á la disposicion del M. Rev. Padre José J. Jimeno, Prefecto, etc., todos los libros pertenecientes al Colegio de San Fernando, que se hallen en sus respectivos lugares, recogiendo al efecto los que se hallen prestados á personas particulares. San Francisco Oct. 3 de 1854. Fr. José S. Alemany, Obpo. de San Francisco, Administrador de Monterey." Original with seal affixed in "Sta. Barb. Arch."

[8] "For the simple use of," indicating that the respective friar claimed no ownership, but had only the use of the book, or the permit of the Superiors. Such books, to our own knowledge, are in various places; they should be at Santa Barbara Mission

Spanish books of every description antedating the year 1830, notably those in parchment, may be regarded as having been brought to the missions by Fathers from San Fernando College, Mexico. All others antedating the year 1842 may be regarded as the property of the College of Guadalupe, Zacatecas, and therefore they also pertained to the Franciscan community of Santa Barbara.

Unfortunately for the young plant's growth, at this time it lost the fatherly patron through a most important change in ecclesiastical affairs of California. Writing from San Francisco to Fr. González Rúbio on October 18th, 1853, Bishop Alemany thus communicated the momentous news: "Nothing more is lacking than the ceremonies of the *'Burial of a Bishop,'* [9] in order to conclude my career. Actually, yesterday I received the documents—one, a Bull from the Pope, in which San Francisco is erected into a Metropolitan See; another is another Bull by which I am separated and removed from the See or Diocese of Monterey, and transferred to that of San Francisco; finally, a Brief by which I am authorized to exercise, before receiving the Pallium,[10] what without said Brief I could not have exercised before receiving the Pallium. *Fiat voluntas Dei!* I should rather have preferred the smaller labor of Monterey, but there has been no option. I am glad that the burden has been divided, and thus the Diocese of Monterey can receive better care. On another occasion I shall transmit to you a copy of the Bulls.[11] By the first you will see that the boundaries of the Diocese of San Francisco are the southern parallel of the parish or congregation of the pueblo of San José. Over the country south of this I have no longer jurisdiction. The

[9] "Ya no falta mas que las ceremonias de sepeliendo Episcopo para concluir mi carrera."

[10] Circular band of white wool about two inches wide with pendants, ornamented with six small crosses, worn over the chasuble by Archbishops when pontificating on designated occasions.

[11] A copy of each Bull, dated Rome, July 29th, 1853, and certified by Archbishop Alemany with his seal on October 19th, 1853, is in the Santa Barbara Archives.

new Bishop of Monterey is the Rt. Rev. Thaddeus Amat of Barcelona, a Father of the Congregation of St. Vincent de Paul, a man, I am assured, very distinguished for his humility and learning. As soon as he heard of his appointment he withdrew from Philadelphia [12] to Spain, and thereafter he passed on to France for the purpose of taking passage to Chile, and so to hide himself. The Propaganda is trying to forward the Bulls to him. It is to be feared that he will decline, and thus there will be another delay of some additional months. By all means, I supplicate you, Father González, that you do not abandon the Diocese of Monterey." [13]

Lest the Monterey Diocese be without a head until the new Bishop could take possession, the Holy See, September 12th, 1853, appointed Archbishop Alemany administrator. The Archbishop received the document on November 16th. Three days later he appointed Fr. Gonzáles Rúbio his vicar-general with full authority to govern the diocese until the arrival of Bishop Amat.[14]

While thus holding the offices of vicar-general and acting administrator of the diocese, Fr. González was embarrassed by requests from the College of Guadalupe to return to Mexico. The College Discretory went so far as to elect him guardian to succeed Fr. Antonio Castillo, who had died on April 28th, 1855. The chapter held for that purpose under the presidency of Fr. Comisário-Prefecto Miguel Guzmán, took place on May 16th, 1855.[15] Fr. González received this news late in July. On August 19th, and again on September

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[12] where he was director of the diocesan seminary. He was consecrated Bishop at Rome on March 12th, 1854. Reuss, p. 9; Shea, iv, p. 709.

[13] "Sta. Barb. Arch." The College of Guadalupe desired him to return.

[14] Archbishop Alemany to Fr. González, November 19th, 1853. "Sta. Barb. Arch."

[15] Fr. Guzmán to Fr. González, May 21st, 1855. Fr. José de Trinidad Macías to Fr. González, May 20th, 1855. "Papeles Orig.," Misiones ii, p. 1137, Bancroft Collection. Sotomayor, pag. 646; Fr. Miguel de la C. Alegre, June 16; Fr. Palomár, July 28th, 1855, to Fr. González. "Sta. Barb. Arch."

14th, he explained his predicament. Owing to the offices he occupied, the scarcity of priests in the diocese, the exceedingly small number of friars at the College of Santa Barbara, and the very urgent request of Archbishop Alemany, he felt in conscience bound to resign the office of guardian.[16] The College Discretory, however, declined to accept his resignation,[17] and moreover presented such weighty reasons for his return that he resolved to comply. Resigning the office of vicar-general, he notified Bishop Amat, then at San Diego, and Archbishop Alemany, and, without awaiting a reply from either, Fr. González quietly proceeded to take the steamer for San Blas early in February, 1856; but the people of Santa Barbara prevented his departure. Just as he was about to board the ship, they gathered around him and, forcibly putting him in a carriage, brought him back to Our Lady of Sorrows.[18]

Immediately Fr. Gonzáles from his prison, as he called it,[19] informed the Discretory of Guadalupe, and again begged to be released of the office to which they had elected him. As Archbishop Alemany, and Bishop Amat himself, interceded, his resignation was at last accepted on April 19th, 1856.[20]

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[16] "Sta. Barb. Arch."

[17] The Discretory to Fr. González, November 10th, November 17th, 1855. "Sta. Barb. Arch." The latter document was signed by Fr. Palomár, Fr. Alegre, Fr. J. Crisóstomo Gómez, Fr. Francisco Ramírez, Fr. Bernardino de Jesus Alonso, and Fr. José Pérez.

[18] Fr. González to the Discretory, February 5th, 1856. "Apenas habia salido de aqui con toda precaucion, cuando este pueblo de Sta. Barbara corre en pos de mi, se agolpa á mi rededor, y me forma en la playa como un muro impenetrable, que me estorba el embarcarme. Inutiles fueron todos mis esfuerzos, vanas mis persuaciones, protestas y ruegos, hasta que al fin apoderados de mi persona, y puesto en una calesa, me conducen violentamente hasta este Colegio, en donde ya encontré que habia sido devuelto mi pequeño equipaje."

[19] "He quedado aqui pues como un prisionero, con el animo triste, abatido, y agitado de mil contrarios afectos."

[20] The Discretory to Archbishop Alemany, May 13th, 1856; Fr. Palomar to Fr. González, September 1st, 1856. "Sta. Barb. Arch."

Furthermore, on June 24th, 1856, Most Rev. Fr. Bernardino de Montefranco, Superior-General of the Franciscans, perhaps at the request of the Archbishop, detached Fr. González from the College of Guadalupe and incorporated him in the College of Santa Barbara.[21]

Returning to the zealous Archbishop, we find him assemble the clergy of both dioceses in a second retreat during the month of October, 1854. At the close, October 23rd, His Grace held a conference with them, likewise the second in the history of California. Details are entirely lacking; nor should we know that either the retreat or the conference had taken place, but for a document in the Santa Barbara Archives containing a list of the decrees promulgated on said date, and headed "ORDINATIONES—*Pro Clero Sancti Francisci sancitae sub collationibus habitis 23 Octobris, 1854, occasione Sacri Recessus, quae etiam ad Dioecesim Montisregis extenduntur quoadusque Ordinarius aliter disponat.*" [22] The "*Ordinationes*" embrace eighteen paragraphs which contain as many distinct regulations. One of them shows that even at that early date, when battling with poverty and other unfavorable conditions, the clergy led by their Archbishop recognized the necessity of Christian schools; for paragraph thirteen reads: "*Conentur Pastores, quantum fieri potest, habere scholas pro pueris et puellis.*" [23] On the same occa-

[21] "Sta. Barb. Arch."—"Hoy me veo desfiliado por N. Rmo. P. Ministro General, sin haberlo yo pretendido, querido, ni aun imaginado, y cuya pesadumbre me acompañará hasta el sepulcro," Fr. González wrote, July 10th, 1857, to the Fr. Prefecto. "Sta. Barb. Arch."

[22] "Regulations for the clergy of San Francisco resolved upon at the conference held on October 23rd, 1854, which are also extended to the Diocese of Monterey until the Bishop may dispose otherwise."

[23] "The pastors shall endeavor, as far as possible, to have schools for boys and girls." We are convinced that if the Picos, Alvarados, Vallejos, etc., had enjoyed the advantages of a thorough Christian education, as offered in the parochial schools, they would have been shocked at the bare thought of looting Indian missions or disregarding other laws of God. The same must be said with regard to

sion the reply from Rome to the doubts and questions propounded at the synod or conference of 1852 was published.[24]

Before the close of the year, the heart of the zealous Archbishop was cheered by the arrival of thirteen nuns, who belonged to the two Sisterhoods of the Presentation and of Mercy. They had been enlisted in Ireland by the Rev. Hugh P. Gallagher whom His Grace had sent to Rome for the *Pallium*. On his way back, as directed, he secured the said nuns for the archdiocese. The first to reach San Francisco on November 13th, 1854, were the Presentation Sisters Mary Joseph Cronin, as Superior, Mary Xavier Daly, Mary Augustine Keane and Mary Clare Duggan from the convent at Middleton, County Cork, and Sister Mary Teresa Comerford from the convent at Kilkenny, Ireland. They sailed from their native land on September 21st, and reached New York on October 5th. From there they came by way of the Isthmus of Panamá. Less than three weeks after landing at San Francisco, December 1st, 1854, they opened their first free school, and ere long had an attendance of two hundred children.[25]

The Sisters of Mercy arrived at San Francisco on December 8th, 1854, in charge of Rev. H. Gallagher. They had been selected from twenty-nine volunteer nuns of the convent at Kinsale, Ireland. They were the Sisters Mary Baptist Russell, as Superior, Mary de Sales Reddan, Mary Bernard O'Dwyer, Mary Frances Benson, and Mary Hawley. To these were added the three volunteer novices Sisters Mary Gabriel Brown, Mary Paul Beechinor, and Mary Martha McCarthy. These eight nuns left Kinsale on September 8th, embarked on the 23rd, and landed at New York on October

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the murderous and lecherous bandits who just now terrorize Mexico. Systematic de-Christianization of the boys, especially, in the government schools since Juárez came to power is bearing fruit.

[24] "Sta. Barb. Arch." See Appendix G.

[25] "Our Golden Jubilee," Sisters of the Presentation, San Francisco, 1904; "Memoir of Rev. Mother Mary Teresa Comerford," pp. 21-28; Gleeson, ii, pp. 217-220.

6th. From that port they came by way of the Isthmus, and reached San Francisco on the morning of December 8th, 1854, in time to assist at the holy Mass offered up by Rev. H. Gallagher at St. Patrick's Church.[26] The Sisters of Mercy devoted themselves to the care of the sick. Senseless bigotry appears to have been rampant in those days just as now in places. Gleeson relates that "the day after the Sisters had landed a scurrilous communication, under the heading of 'Carried Past the Port,' appeared in one of the Protestant papers, improperly called the 'Christian Advocate.' This was followed by others of a similar nature, in which the writer dealt largely in abuse of Catholicity, but especially of the religious." The blameless conduct of the Sisters, however, and their unselfishness in nursing the most forlorn and repulsive specimens of humanity suffering from cholera, soon turned opposition into admiration to such a degree that the management of the City Hospital was formally handed over to the Sisters of Mercy on October 22nd, 1855.[27]

"On his return from Europe," Gleeson writes,[28] "Rev. Father Gallagher brought with him, together with the religious communities referred to, some priests and students. With the latter as a commencement, a seminary, under the title of St. Thomas, for the education of clergy for the diocese, was established by His Grace, the Archbishop, at the old Mission Dolores. . . . The first president of this diocesan seminary was the present Bishop of Marysville or Grass Valley."[29] No dates are given, nor any other particulars. Furthermore, we have discovered nothing on the subject from the hand of the Archbishop in the archives. However, we can reach the year closely enough. Rev. E. O'Connell's name, for the last time, appears in the Bap-

[26] "Annals of the Sisters of Mercy," vol. iii, pp. 469-477; Gleeson, ii, 222.

[27] Gleeson, ii, 223-224; "Annals of the Sisters of Mercy," iii, 481-485.

[28] Vol. ii, 220-221.

[29] Later known as Diocese of Sacramento. Gleeson's History appeared in 1871.

tismal Register of Mission Santa Inés, where he was rector of the seminary, on October 31st, 1852. As we have seen elsewhere,[30] Rev. E. O'Connell wrote to Fr. J. J. Jimeno from All Hallows, Ireland, on December 8th, 1854. It appears that the Rev. Father was appointed to Mission Dolores towards the end of 1852, and proceeded thither to take the place of the Rev. Flavian Fontaine, C.SS.CC.[31] He probably began the classes there soon after, for in the report on the state of the archdiocese for the issue of 1854 we find in the list of churches this item: *"San Francisco: Mission Dolores—Rev. Eugene O'Connell, Superior of the Seminary."*[32] The "Catholic Directory" of 1855 finally prints this report also transmitted by His Grace: "St. Thomas Aquinas's Diocesan Seminary. This institution is at the Mission of Dolores, near the city of San Francisco, and has fifteen students under the care of Rev. Richard Carroll, *Superior*. The institution has, besides, fourteen students educated in the colleges of Carlow, All Hallows and the Propaganda in Rome."[33]

The Archbishop had the satisfaction of ordaining two priests on September 24th, 1853. These were the Rev. Sebastiano Filoteo and the Rev. Pedro Bagaria.[34] The former was assigned to Santa Cruz, the latter went to San Juan Capistrano.[35] His Grace likewise elevated Edmundus Venisse, a young cleric from the Picpus community of Los Angeles, to the priesthood on November 20th, 1853.[36]

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[30] Note 4, this chapter.

[31] Rev. F. Fontaine, early in 1852, opened a school for boys near Mission Dolores, but it was not a success. For its vicissitudes see "First Half Century," chap. ii.

[32] "Catholic Directory," year 1854, p. 202.

[33] "Catholic Directory," 1855, p. 208.

[34] "Libro de Gobierno."

[35] Mission Registers, Santa Cruz and San Juan Capistrano; "Catholic Directory," year 1854, p. 202.

[36] He had been ordained deacon a short time previously, for the Archbishop writes to Fr. González on November 19th, 1853: "He procedido á ordenar de Diacono al Hermano Venisse de Los Angeles, y mañana se ordenará de Presbitero."—"Sta. Barb. Arch."

Bidding farewell to the Archdiocese of San Francisco, and turning to the south, we observe that the new Bishop of Monterey, Rt. Rev. Thaddeus Amat, C. M., at length set foot in his diocese at Monterey on Friday, November 23rd, 1855. On the 26th he was formally installed at the parish church by Archbishop Alemany.[37] Beyond this we have no details of any celebration that may have taken place. Accommodations seem to have continued as poor as ever at this city assigned by Rome for the Bishop's residence. At all events, Bishop Amat found it unnecessary to tarry there long. Besides, the zealous prelate longed to become acquainted with the needs and prospects of his diocese by means of a speedy personal visit. Taking passage, therefore, in the *Powhattan,* His Lordship moved southward, and reached Santa Barbara on Sunday, December 2nd, bringing along the relics of St. Vibiana, Virgin and Martyr, which had been discovered in Rome but the previous year. Pope Pius IX. had graciously donated the precious treasure to Bishop Amat, who later on placed his cathedral under the protection of St. Vibiana. On December 4th, the feast of St. Barbara, the relics were brought to the shore, and borne in procession to the parish church of Our Lady of Sorrows, then in charge of the Franciscans.[38]

From Santa Barbara the Bishop appears to have gone south by land in order to visit the churches on the way to Los Angeles. At the last-named city His Lordship probably celebrated the feast of the Nativity. Three days later, December 28th, he issued his first *Pastoral*[39] to his diocesans. From this document we learn, besides the dates of his arrival, that Bishop Amat, since his consecration, had been active in Europe trying to secure priests and students for his diocese, and that he had also collected the means to pay for their expenses to California. He had succeeded in enlisting eight

[37] "Pastoral" of Bishop Amat, Los Angeles, December 28th, 1855.

[38] "Santa Barbara Gazette," December 6th, 1855. "Sta. Barb. Arch."

[39] the second rather; for he had issued his first on the day of his consecration at Rome. We have not seen any copy of it.

priests and students [40] one of whom died on the way. The Bishop had also been fortunate enough to persuade six Sisters of Charity of St. Vincent de Paul to devote themselves to the service of the needy in California. The *Pastoral* abounds in Scriptural texts, no fewer than thirty-nine being quoted.[41]

The Sisters referred to in the *Pastoral,* originally of Emmitsburg, Maryland, sailed from New York on November 21st, 1855, and arrived at San Pedro, by way of the Isthmus of Panamá, on January 5th, 1856. From San Pedro the stage brought them to Los Angeles, where they established their first convent in the Diocese of Monterey at the corner of Macy and Alameda streets. They began their activity by opening a little school later known as "Institute and Orphan Asylum of the Sisters of Charity." [42]

During the month of January, 1856, Bishop Amat appears to have visited the churches to the south of Los Angeles as far as San Diego; but before the middle of February he was back at Santa Barbara, and took up his residence at the Old Mission, making the mission church his pro-cathedral. On February 23rd, the Bishop appointed Fr. González Rúbio his vicar-general.[43]

Next day His Lordship conferred the Tonsure and Minor Orders on the seminarians Francisco Mora, Vicente Llover and Domingo Serrano y Franco, and on the three Franciscans of the Colegio in the city José Godayol, José Maria Alcina, and Francisco Codina. Saturday, March 8th, these young students and Cajetan Capdevila were made subdeacons. On Wednesday, March 12th, the Bishop raised to the deaconship

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[40] "Ocho misioneros, de los cuales siete llegaron en medio de vosotros, y están ya trabajando, ó se preparan para trabajar en la viña del Señor." Only two were priests: Rev. Cajetan Sorentini and Rev. B. Raho, C. M. The others were ordained in March, 1856.

[41] Spanish copy in "Sta. Barb. Arch."

[42] "The Tidings," January 1st, 1898, p. 7; November 29th, 1913, p. 15; "The Tidings Annual," 1909; "Historical Sketch," Los Angeles, 1876, p. 48.

[43] Bishop Amat to Fr. González, February 23rd, 1856. "Sta. Barb. Arch."

Mora, Capdevila, Llover, Serrano, Ciprian Rúbio and the Franciscan Codina. The same ecclesiastics, except Codina, were finally ordained priests on Wednesday in Holy Week, March 19th, 1856.[44] These were the last ordinations that took place at the venerable mission church until April 7th, 1904.

The newly-ordained priests were assigned as follows: Rev. Francisco Mora, the later Bishop, went to San Juan Bautista to take the place of Rev. J. Molinier, who had succeeded Fr. Antonio Ánzar;[45] Rev. Francisco Cajetan Capdevila was sent to San Gabriel; Rev. Llover was stationed at Los Angeles; Rev. Francisco Domingo Serrano remained with the Bishop; and Rev. Ciprian Rúbio proceeded to Santa Inés in order to take charge of the seminary and parish there.[46]

Rev. Blas Raho, of the Congregation of the Missions of St. Vincent de Paul, who had come with the Bishop, was also transferred to Los Angeles as pastor of the "Plaza Church." Here on August 10th, 1856, in a rented adobe building the school or college for boys was reopened which the Picpus Fathers had established in 1852. The name was, however, changed to St. Vincent's College.[47]

The Franciscan College and Novitiate at Our Lady of Sorrows, Santa Barbara, at this time suffered a great loss in the death of the founder and Superior, Fr. José Joaquín Jimeno, who passed away there on Friday, March 14th, 1856, at the age of only fifty-two years.[48] "I feel," Archbishop Alemany wrote when notified, "very much the loss of the venerable Father José. He lived the life of a saint, and it is evident that he closed it like a saint. I almost invoke him in heaven on behalf of the Church in California."[49] Fr. An-

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[44] "Libro de Gobierno."

[45] He was the last Zacatecan outside of Santa Barbara. He returned to Mexico in 1855.

[46] "Libro de Gobierno"; "Catholic Directory."

[47] "The Tidings," January 1st, 1898; May 26th, 1911; "Catholic Directory."

[48] "Libro de Entierros," Santa Barbara.

[49] "Mucho siento la pérdida del venerable Padre José. Vivió la

tonio Jimeno succeeded his brother as Superior of the College of Dolores at the parish church of Santa Barbara.

Bishop Amat soon tired of the mission outside the town, and therefore tried to persuade the deceased Fr. J. J. Jimeno to cede the church and convent, which the Franciscans had erected at Santa Barbara, for the mission and its lands. Fr. J. J. Jimeno, of course, could not comply with the request. The convent and church had been canonically established. The consent of higher authorities was needed to vacate them for any other place. Likewise thought Fr. Antonio, Fr. González, and Fr. Sánchez. Thereupon the Bishop petitioned the Holy See to allow the church and convent in the City of Santa Barbara to be surrendered to the Diocese of Monterey in exchange for the mission church, convento, two gardens and a vineyard. After hearing the opinion of the Superior-General at Rome, Pope Pius granted the request on July 6th, 1856.[50] Months before, however, towards the end of March 1856, the Bishop persuaded the Fathers not to await the decision of the Pope, as that would doubtless permit the transaction, but to remove to the mission immediately. Accordingly, we find that the new pastor, Rev. Blas Raho, C. M., took charge of the Parish of Our Lady of Sorrows at the beginning of April, 1856.[51]

The little Franciscan community had placed their college under the patronage of Our Lady of Sorrows. Now that the three Fathers with their clerics and novices took up their quarters at Mission Santa Barbara, they were loath to forfeit the title. Hence they petitioned the Pope for permission to retain the Mother of Sorrows as their principal Patroness. They, furthermore, petitioned His Holiness to grant them, and all who visited the Old Mission church on the third Sunday in September, or within the octave of the feast,

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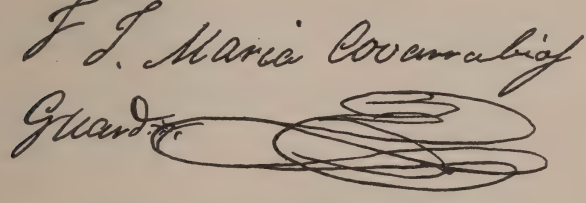
vida de un Santo, y es evidente que la concluyó como un Santo. Yo casi le invoco en el cielo á favor de la Iglesia en California." Archbishop Alemany to Fr. Francisco Sanchez, March 29th, 1856. "Sta. Barb. Arch."

[50] "Sta. Barb. Arch."

[51] Parish Register, Santa Barbara; "Sta. Barb. Arch."

and on the Friday before Palm Sunday, the same indulgences granted to those who visit St. Peter's church at Rome, provided they received the Sacraments of Penance and Holy Eucharist. The Holy Father on December 28th, 1856, graciously granted all that was asked.[52] Thus it was that the college, seminary or school at the Mission of Santa Barbara was known and advertised as the College of Our Lady of Sorrows until it ceased to exist with the year 1876.[53]

Before the end of the year 1856, with which the mission history may be said to close and modern history begins, the



Signature of Fr. José M. Covarrúbias.

Fathers once more had official news from the Mother College of San Fernando, Mexico. On October 15th, 1856, Fr. Guardian J. Maria Covarrúbias informed Fr. Presidente Antonio Jimeno that the chapter of October 11th had elected Fr.

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[52] "Ea propter ad pedes Sanctitatis Vestrae provoluti suppliciter petunt, ut Beatissimam Virginem Mariam in devotissimo mysterio Dolorum uti principalem Patronam illius novi Collegii benigne approbes atque declares, Oratoribus ac omnibus fidelibus rite confessis et Sacra Communione refectis visitantibus praefatam Ecclesiam in Dominica tertia Septembris et ejus octava, necon in feria sexta hebdomadae Passionis, Indulgentias easdem concessas visitantibus Basilicas SS. Apostolorum Petri et Pauli in Urbe Roma de amplissima benignitate impertiri digneris."—"Ex. Audientia SSmi habita die 28 Decembris 1856, Summus Dominus Noster Pius Divina Providencia PP. IX., referente me infrascripto S. Congregationis de Propaganda Fide secretario, benigne annuit pro gratia in omnibus juxta petita. Datum Romae ex aed. dic. S. Congreg. die et anno supradictis. Gratis sine ulla solutione quocumque titulo. —Cajet. Archiepiscopus Theba. a Secretis."—"Sta. Barb. Arch."

[53] "College Catalogues."—"Sta. Barb. Arch."

Jesus Orruño comisário-prefecto of the missions; that he himself had been reelected guardian; and that the *discretos* chosen were Fr. Francisco Vecino, Fr. José Maria Pérez, Fr. Gabriel Rodríguez and Fr. Francisco Àlvarez.[54]

[54] Fr. Covarrúbias, "Informe."—"Sta. Barb. Arch."

## CHAPTER XI.

Suspicions Aroused.—U. S. Officials Watchful.—Gov. Mason on Alleged Privileges.—Halleck Calls for Dates.—Pico Not at Los Angeles as Claimed.—Halleck's Confidential Letter.—Proofs of Pico's Absence.—Mason to Alcaldes and Indian Agents.—Confidential Agent Proposed.—W. C. Jones Appointed.—His Instructions.—Searches Archives in California and Mexico.—His Report.—Bishop Alemany's Initial Moves for Recovering Church Property.—Land Commission Appointed.—Bishop Alemany's Claims.—Witnesses Called.—Commissioner Felch.—College at Santa Inés.—Land at San Miguel.—At San Luis Obispo.—Church Property and Mission Property.—Decision.

WE have yet to chronicle the final disposition made of the mission property. Pio Pico, it will be remembered, without any authority whatever, had sold sixteen of the twenty-one missions, and only circumstances beyond his control had prevented him from disposing of the remainder. United States officials had quite early suspected that, besides exceeding his powers, Pico had in some cases committed fraud in order to benefit his friends. The suspicions ere long changed to conviction, and this called forth General Kearney's proclamation of March 22nd, 1847.[1] From that date the United States authorities constituted themselves the watchful guardians of the mission property and Indian lands. Squatters were ejected, and those claiming ownership were directed to present legal evidence. The churches, dwellings of the priests, cemeteries, mission orchards and gardens, were left in charge of the priests until the courts should decide otherwise; but the priests were not permitted to sell any part of such property. Those of Santa Cruz, Santa Clara, and San Juan Bautista were accused of attempting sales, but such transactions were promptly declared null and void. Fr. Reál of Santa Clara and Fr. Ánzar of San Juan Bautista, indeed, presented grants from General José Castro; but Governor

[1] See chapter iii, this section.

Mason refused to acknowledge their validity, and forbade any more attempts at selling lands under such titles.

Nor would the governor recognize any ecclesiastical privileges in civil affairs, as it was said Fr. Reál, in simplicity or ignorance, had claimed. The only document indicating any such claim, however, is a letter of Mason to James W. Weeks, alcalde of San José. "Sir," the governor responds, "I have your letter of the 13th instant, and the enclosed, addressed to yourself from Padre Reál. I know not what are the privileges that his Reverence enjoys; nor do I know to what 'competent judge' he refers; but it is very evident that if his Reverence departs from his calling as a Catholic priest, and enters into a bargain or contract with a citizen of the country, he places himself, and must necessarily stand, upon the same footing with that citizen, and that citizen has the same recourse against the padre for a breach of contract, as the padre would have against him, or as one citizen has against another in similar cases. Were this not the case, it would be useless to enter into an agreement or contract. An agreement or contract, verbal or written, necessarily implies a reciprocity; it must be equally obligatory upon both parties. One party failing to comply with his stipulated obligations, the other has the right to appeal to the civil laws of the land to compel the delinquent to conform to his agreement, and that delinquent cannot plead privileges not accorded to him in the contract or agreement into which he has entered. I am, etc." [2]

Numerous claimants for mission property appeared at various times; even Thomas O. Larkin, ex-consul of the United States, under a title from Pio Pico, demanded possession of the orchard of Mission Santa Clara; but all such claimants were referred to "the judicial tribunals yet to be established in the territory," as General Kearney expressed himself in a letter to one J. H. Nash of Sonoma.[3]

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[2] Mason to Weeks, November 25th, 1847. "Halleck's Report," p. 435. Being a local affair, we shall postpone discussion to the next volume. Mason was quite right; but we should like to see what Fr. Reál really claimed.

[3] Kearney to Nash, March 29th, 1847. "Halleck's Report," p. 293.

Meanwhile the fraudulent character of many claims had become more evident as the archives were examined. It was clear to Mason and Halleck that many title deeds must have been antedated. To prove this beyond the shadow of a doubt, it was but necessary to show that Pio Pico could not have been at Los Angeles on the dates shown in the grants. In order to secure this evidence, Halleck wrote to Colonel J. D. Stevenson in command of the southern district at Los Angeles. Stevenson replied on September 7th, 1847: "Sir: The enclosed is all the information I can give in answer to the inquiries contained in your letter of the 23rd of August last, except that it is perfectly well understood, and can be proved, I am informed, that Governor Pico left here not later than the 17th of June, 1846, and did not return for at least four weeks; and that the deeds alluded to in the within were all signed the night before Pico left the pueblo, and when the United States was in possession of California and Commodore Stockton's forces between here and San Pedro, and were all antedated, which, of course, renders them void; besides, the proper forms were never complied with, and no departmental assembly has ever sat since to confirm the grants." [4]

The document, which Stevenson transmitted to Halleck, contained the answers to six questions. The answer to Query Six was as follows: "From the testimony of divers residents in this pueblo, Ex-Governor Pio Pico left here June 18th, 1846, and did not return till on or about July 21st, 1846. References: Manuel Requena, A. Stearns, A. Bell, and Ignácio del Valle. It is of common notoriety here that grants of land were made by Pio Pico to the following individuals: Pliny F. Temple, W. Workman, Antonio Cota, R. Den, Bery Wilson, H. Reid, and others, the deeds being made out and signed on or about August 9th, 1846. Reference: A. Bell." [5]

The following communication, marked "confidential," throws additional light on the subject. "Sir:" Halleck addressed

[4] "Halleck's Report," p. 179.

[5] "Halleck's Report," p. 180.

Stevenson ten months later, "It is highly probable that the persons who obtained grants or deeds of sale for land from Pio Pico, just as he was leaving the country, will now, on hearing of his return to California, endeavor to obtain from him certificates that these grants or deeds of sale were not antedated. I refer particularly to deeds of sales of land by Pio Pico which are dated at Los Angeles about the 25th of June, 1846, whereas it is believed he was not in that place between about the middle of June and the latter part of July. Some of these titles purport to be recorded on the corresponding book of records, which book has been abstracted from the territorial archives. There are reasons for suspecting that this volume of records is now in the hands of some one of the holders of these antedated titles, and that it is so retained in order to get Pico, on his return to this country, to enter these titles upon the records, or, if they have destroyed the book, to get his certificates that they were entered according to the dates they bear. Something will undoubtedly be sought for from Pico to strengthen their unjust claims to government property.

"It is thought that, if you can establish a friendly intercourse with Don Pico before he can have any communication with these holders of fraudulent titles, you may obtain from him a statement of the real facts in the case. The matter should be acted upon with promptness, and will require much care and discretion in its management." [6]

Secretary of State Halleck faithfully persisted in his search. The result was that in his report to Governor Mason, dated March 1st, 1849, he could clinch the matter of fraudulent dating of land grants by Pio Pico. "It is believed to be susceptible of positive proof," he wrote, "that Pio Pico was not in Los Angeles between the 17th of June and about the middle of July, 1846. There are to be found in the miscellaneous correspondence and the manuscript proceedings of the territorial legislature (now in the archives of this office), letters and orders from Pio Pico, dated San Buenaventura June 19,

[6] Halleck to Stevenson, July 26th, 1848. "Halleck's Report," pp. 668-669.

and Santa Barbara June 21, 23, 24, 27, 28, 29, and 30, and July 2, 3, and 4; in Santa Cruz July 7 and 8; in San Luis Obispo July 11; and again in Santa Barbara July 16 and 17; which renders it quite certain that he was *not* in Los Angeles the 25th of June, the day on which this title to Benito Días purports to have been given." [7]

"It is also represented," Halleck's Circular of March 31st, 1849, warns alcaldes, Indian agents and others, "that the occupants of some of the missions have claimed and appropriated to their own use the books,[8] ornaments, and other appurtenances of the mission churches, and have otherwise encroached upon the property reserved for the use of the priests.[9] By the laws of secularization enacted by the Supreme Government of Mexico, the churches of the several missions, with the sacred vessels, ornaments, and other appurtenances, were assigned for the use of the parishes, and the most appropriate building of each mission given for the habitation of the curate, with a lot of ground not to exceed

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[7] "Halleck's Report," 131-132. Días's was one of many of the same date.

[8] To illustrate: We have found the Baptismal, Burial, and Marriage Registers of Mission San Francisco Solano, or Sonoma, in Bancroft's Collection. The Burial Register of Mission San Fernando is now at the Chamber of Commerce, Los Angeles, among a collection of articles donated by Andrés Pico. The "donors" had no right to dispose of these books. They are Church property and priceless. "Res clamat ad dominum."

[9] The following note of Halleck to Mariano Soberánes of the Rancho del Ojito, dated Monterey, April 2nd, 1849, explains how some missions came to be ruins. The local history will have more on the subject: "Sir: It is represented that you have taken tiles from the roofs of good and substantial houses in the Mission of San Antonio, and removed them to the rancho of Los Ojitos for the purpose of covering a new building. The permission of the governor was merely to take some tile from old and uninhabited mission buildings for the purpose of re-roofing the house said by you to have been burnt by order of Lieutenant-Colonel Fremont, and you are hereby prohibited from taking any other tile than those mentioned, or to use them for any other purpose than the one designed in the governor's order."—"Halleck's Report," 702.

two hundred varas square. Such was and is the supreme law, and until it be changed by competent authority, no local or territorial officer can dispose of them or include them in any sale or renting of the missions.[10] The governor, therefore, directs all magistrates to assist in the recovery of the books and other appurtenances of the churches, and that the priests be secured in the possession of the house and garden in each mission appropriated for their use and occupation." [11]

Verily, the Rev. Walter Colton, then alcalde of Monterey, scarcely exaggerated when he replied to Governor Mason's question: "The only rule which appears to have governed the [California] military and civil authorities in these matters seems to have been that of Rob Roy—

. . . . "The simple plan,
That they shall take who have the power,
And they shall keep who can." [12]

When the irregularities and difficulties encountered on the subject of land grants were at last reported to the Government at Washington,[13] Hon. Thomas Ewing, Secretary of the Interior, proposed to Hon. John M. Clayton, Secretary of State, the appointment of a confidential agent with instructions to visit California and Mexico for the purpose of making the necessary examination. "For this mission," Ewing wrote, "I propose William Carey Jones, Esq., well known to you as an adept in the Spanish language, and as a lawyer well skilled in the Spanish colonial titles." [14]

Jones was appointed, and received his instructions from Land Commissioner J. Butterfield. "You will direct particular attention to the extensive tracts of land covered by

[10] Pio Pico, as we know, paid no attention to such laws. He sold mission property in spite of the emphatic Montesdeóca prohibition.

[11] "Halleck's Report," p. 702. Spanish copy, made by Hartnell and approved by General Riley April 20th, 1849, in "Sta. Barb. Arch."

[12] Colton to Mason, June 14th, 1848. "Halleck's Report," 170.

[13] Mason to Adjt. Gen. Jones, April 13th, 1849. "Halleck's Report," 118.

[14] Ewing to Clayton, July 11th, 1849. "Halleck's Report," 112.

what are known as 'missions'," the commissioner instructed Carey Jones. "You will ascertain as fully as possible the extent, locality, and value of each of them, and of the buildings or improvements thereon; will trace out their early history, origin, and date of the establishment of them, respectively, and their transition, and under what authority from the ecclesiastical to the civil power, or national authorities; their condition as to title and possession at the commencement of hostilities between the two republics; the dates of any sales made about that time, previously or subsequently; the circumstances under which, to whom and by whom made, and under color of what authority, with the dates of any subsequent sales by parties claiming under grants from the California authorities; with the particulars in each case as to date, consideration, etc., accompanied by plats or sketches exhibiting their actual location and relative position to places now laid down on maps of the country." [15]

Number 8 in the Instructions touched the Indians. "You will make an inquiry into the nature of the *Indian Rights* as existing under the Spanish and Mexican governments, etc.," Carey Jones was told.[16] He accordingly, after his arrival at Monterey on September 19th, 1849, examined the archives at Monterey and visited San José, San Francisco, San Diego, and Los Angeles. On December 7th he embarked for Acapulco, and reached Mexico City on the 24th, staying there only till January 11th, 1850, when he departed for Washington, where he arrived on February 1st. His report, dated March 9th, 1850,[17] covers thirty-six octavo pages, but, apart from some inaccuracies, contains nothing at variance with what we have already recorded.

"If it were within my province to suggest what would be an equitable disposition of such of the missions as remain the property of the government," Jones remarks in one

[15] "Halleck's Report," p. 114.

[16] "Halleck's Report," p. 115.

[17] Carey Jones, "Land Titles in California," Washington. Gideon & Co., Printers, 1850. Copy in Santa Barbara Archives.

place,[18] *I should say, that the churches, with all the church property and ornaments; a portion of the principal building, for the residence of the priest, with a piece of land equal to that designated in the original act of the Mexican Congress for their secularization, (to wit, two hundred varas square,) with another piece for a cemetery, should be granted to the respective Catholic parishes, for the uses specified. . . . The churches, certainly, ought not to be appropriated to any other use; and less than I have suggested would, I think, be less than equity and justice, and less than the inhabitants have always considered and enjoyed as their right.*"

With regard to Indian rights, Jones found that "It is a principle constantly laid down in the Spanish colonial laws, that the Indians shall have a *right* to as much land as they need for their habitations, for tillage, and for pasturage. Where they were already partially settled in communities, sufficient of the land which they occupied was secured them for those purposes. If they were wild, and scattered in the mountains and wildernesses, the policy of the law, and of the instructions impressed on the authorities of the distant provinces, was to reduce them, establish them in villages, convert them to Christianity, and instruct them in useful employments. It was for this purpose, especially, that the missions were founded and encouraged. . . . The early laws were so tender of these rights of the Indians that they forbade the allotment of lands to the Spaniards, and especially the rearing of stock, where it might interfere with the tillage of the Indians. Special directions were also given for the selection of lands for the Indian villages, in places suitable for agriculture, and having the necessary wood and water. The

[18] Carey Jones, p. 22. The italics are ours. Jones's recommendation, adopted later on, agrees with the honest sentiment of all nations at all ages. The very pagans felt as much. What is once set aside for Divine Worship and for the support of its ministers, is held to be inviolable. Only to Voltairianized politicians and usurpers such property is not sacred. It is the first seized as "national" property, in reality as welcome booty. Herein the conspirators against the California Missions had faithfully imitated their prototypes in Mexico and France.

lands set apart to them were likewise inalienable, except by the advice and consent of officers of the government, whose duty it was to protect the natives as minors or pupils. Agreeably to the theory and spirit of these laws, the Indians in California were always supposed to have a certain property or interest in the missions. . . . *The law always intended the Indians of the missions—all of them who remained there —to have homes upon the mission grounds.*" [19]

When he arrived from Rome in 1850, Bishop Alemany was doubtless informed of the Carey Jones Report which so intimately concerned his spiritual charge. At all events, the *Libro Borrador* for October, 1850, without specific date, contains this entry from Bishop Alemany's hand: "No. 1. I consulted Rt. Rev. John Hughes of New York on the claims of the Missions of California. No. 2. Also Bishop Eccleston of Baltimore." As soon as he had taken possession of his diocese, Bishop Alemany set to work devising means for securing the mission property, as the following entries in the *Libro Borrador* indicate: "No. 10, May (1851). I consult with Gov. Peter N. Burnett on the prosecution of my claims of Mission Church property. No. 11, June. I have several consultations with lawyers Botts and Emmett on the way to claim such Mission property. No. 12. I consult Judge Pacificus Ord of Monterey on the same."

By this time, the United States Congress had taken up the matter, and on March 3rd, 1851, disposed of it by passing "*An act to Ascertain and Settle Private Land Claims in the State of California.*" This measure created a Board of three Commissioners with a secretary and a law agent skilled in Spanish. The members were to be appointed by the President for a term of three years. All land claimants were required to present their claims within two years to this Commission for examination and decision. The Commission consisting of H. Hall, H. I. Thurston, and J. Wilson, appointed by President Fillmore, opened its sessions at San

[19] Carey Jones, "Land Titles in California," 36-37. Italics are ours. Compare Hittell, ii. 743; Bancroft, vi, 536-537. "Halleck's Report," March 1st, 1849, pp. 119-182.

Francisco on January 2nd, 1852. In the following year President Pierce substituted, as commissioners, Alpheus Felch, chairman, Thompson Campbell, and R. A. Thompson, with Volney E. Howard as law agent.[20]

Nearly three months after the Land Commission had begun its labors, March 19-23, the first ecclesiastical synod or conference convened at San Francisco, as already stated. "This Conference adopted a resolution to claim from the U. S. Government the churches, sacristies, adjoining buildings, cemeteries, gardens, orchards, and vineyards as the property of the Church, one section of land at each mission for the Church, and one league of land at each mission for the care of the Indians." [21]

As Bishop Alemany desired to attend the First Plenary Council of Baltimore, which assembled in May, 1852, further action was postponed; but the Bishop, profiting by the vicinity of the Nation's Capital, endeavered to ascertain what means should be adopted to win his case. Thus, for instance, he writes in the *Libro Borrador:* "May 25th. I consult Judge Taney, Chief Justice of the Supreme Court in Washington, as to whether we should present our claims to the Mission Lands in California before Congress or before the U. S. Land Commission in California. He said, before the U. S. Land Commission in California empowered by Congress to determine all kinds of land claims in California."

Returning to San Francisco late in 1852, Bishop Alemany immediately prepared to push his claim before the Land Commission, but found his lawyers opposed to the plan. Hence

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[20] Hittell, ii, 744; iii, 695; Bancroft, vi, 540-541.

[21] "Quaestio Quarta. De Bonis Ecclesiasticis. Propositio Unica. Approbatur unanimiter Reverendissimum Episcopum petere in Suo et in Cleri Nomine a Gobierno Americano ecclesias, cemeteria, domos et hortos Missionum, tamquam Bona Ecclesiastica et ad Ecclesiam pertinentia, cum una sectione terrae in unaquaque Missione pro Ecclesia, et una leuca pro Indis." Original and translation in Land Case No. 609, U. S. Land Commission. Joseph S. Alemany vs. The United States. Testimony of Fr. Francisco Sánchez, April 20th, 1854. We have not discovered the text of this decree of the Conference anywhere else.

REV. FR. FRANCISCO SÁNCHEZ, O. F. M.,
(the Fr. Salvadiera in "Ramona.")

the following entry in the *Libro Borrador:* "At the close of the year I discontinued my relations with Botts and Emmett, who would not take my claims before the Land Commission, but before Congress; and at the same time I employed E. Casserly, who soon got J. T. Doyle associated with him. My claim as Bishop of Monterey was presented by the latter counsel before the U. S. Land Commissioners. In the same manner I petitioned the same U. S. Land Commissioners to confirm one league of land to the Indians of each Mission."

The Commission appears to have begun taking testimony on November 15th, 1853, when Brigadier-General Juan Suárez Rosário of Mexico gave evidence in behalf of the Bishop's claim regarding Church property.[22] Other witnesses were: Fr. Antonio Ánzar of San Juan Bautista, Mariano Bonilla, William E. P. Hartnell, Rev. José Miguel Gómez of San Luis Obispo, James Alexander Forbes, Fr. José Joaquín Jimeno and Fr. Francisco Sánchez of Santa Barbara, and finally on March 1st, 1855, General José Castro. A lengthy document of the late Bishop García Diego regarding the property of the Church was also accepted as evidence.[23]

After the Land Commission had heard all the witnesses and weighed the evidence, the chairman, Alpheus Felch, on December 18th, 1855, announced the decision and the reasons therefor. The document covers twenty-two octavo pages in print. As it corresponds with the facts related in this work, we shall reproduce only the salient points of the reasons adduced, and give the final judgment in full. The Commissioner first states the case as follows:

*"Land Case No. 609. Joseph S. Alemany, Bishop, etc., vs. The United States.* The petitioner is the Roman Catholic Bishop of the Diocese of Monterey, which comprises the State of California, and in that capacity and in behalf of the Catholic Church and people of California, he presents this claim. His right, as Bishop, to control the property belong-

[22] "I was Under-Secretary of War, Minister of War and Marine, and am now brigadier-general." J. S. Rosário, testifying November 15th, 1853. "Land Case No. 609."

[23] "Land Case No. 609," various dates. See page 265, this volume.

ing to the Church, or dedicated to its uses, is based on the Spanish, the Mexican and the Canon laws, the Statutes of the National Synod which convenes periodically in the City of Baltimore, and of which this Diocese is a constituent part, and upon the express authorization and instruction of the Diocesan Convention of the Bishop and Clergy of California, directing him to present this claim for the benefit of said Church and people. The petitioner has also presented documents to show that under and by virtue of the Statute of the State of California, passed April 22nd, 1850, and amended May 4th, 1852, he became a Corporation sole, under the name and title of Bishop of Monterey, for the administration of the temporalities of said Church, and the management of the estate and property thereof.[24]

"The property for which a decree of confirmation is asked in the case consists of the following, to wit:

"1. Lands alleged to have been granted by the Governor of California for the establishment and support of a College.

"2. Land alleged to have been granted for the support of Divine Worship at the Mission of San Miguel.

"3. Land averred to have been granted for the support of Worship at the Mission of San Luis Obispo.

"4. The Church edifices, cemeteries, and priest's houses, with the curtilages and appurtenances, at the several Missions in California, and certain gardens and vineyards situated at or near said Missions.

"I shall consider the claim to these in the order in which they are here stated.

*Lands for the Establishment and Support of a College.*

"Two grants are presented and proved in support of this claim. The first is signed by Governor Micheltorena, and

[24] "1853. No. 19. I file Documents at the County Clerk's Office of Monterey to become a corporation sole, as Bishop of Monterey, by virtue of Statute of April 22, 1850, amended May 4, 1852." Bishop Alemany in the "Libro Borrador." Fr. González Rúbio proposed taking steps for the recovery of church property as early as June 23rd, 1849. Fr. González to Rev. J. B. Brouillet. "Escrituras Sueltas."

bearing date of March 16th, 1844.[25] It is made to 'the Rev. Father Friar Joaquín Jimeno, Friar Francisco de Jesus Sánchez, and Friar Juan Moreno, the Founders appointed by his Most Illustrious Grace, the Bishop of this Department, for the establishment of a Seminary at Santa Inés,' and 'for the benefit of the said Seminary.' The land granted is the four Cañadas known by the name of Sotonocomú, Alisguey, Calabaza, and Aquichnumú, to the extent of six square leagues.

"The second grant was issued by the same Governor, and is dated September 26th, 1844. This grant is made to 'the Rev. Father Rector, the Vice-Rector and Professor of the Seminary College of Our Lady of Guadalupe.' The land conceded is two square leagues, in addition to that above mentioned to be located on the Northern and Western sides of the six square leagues first granted.

"The first of these grants is accompanied by a document, under the signature and official seal of the then Bishop of California, formally accepting said grant, and dedicating the land as an ecclesiastical property to the use of the Seminary. A similar document signed by the acting Bishop (the Bishop having deceased) in reference to the second grant, is also presented and proved. Juridical possession under both grants is shown by proof of the usual testimonial thereof to have been given on the 14th day of April, 1845. It is proved, moreover, that under the care and supervision of the Bishop, the lands were occupied, stocked, and cultivated immediately after the grants were obtained, and before the juridical possession was given, and that he and his successors have continued the possession ever since. About the same time a building was erected on the place for the 'College of Our Lady of Guadalupe,' a Rector, Professors, and other proper officers appointed to its charge, and pupils received to its halls, and that the institution has been continued to the present time. . . . These grants by the Governor of California, it appears from documentary evidence adduced in the case, were preceded by action of the Supreme Government of Mexico on the same subject. . . . In accordance with

[25] See pp. 261-262, this volume.

the decree of the President, the Governor issued the grants here presented, adding thereto the pledge of the Departmental Government for the payment of five hundred dollars annually, for the support of the College."

*"Land for the Support of Divine Worship at San Miguel.*

"In support of this part of the claim a grant is given in evidence, dated July 16th, 1844, and signed by Governor Micheltorena. It was made on the petition of the pastor of the Church of said Mission for the support of Divine Worship of said Church. The land granted is described as 'the vineyard which was called *La Mayor* under the dimensions thereof, as they have been known within its enclosure.' It is proved that the premises described were enclosed with a fence and cultivated as a vineyard for a long period of years prior to the grant, and that the place was and still continues to be occupied by the Church." [26]

*"Land for the Support of Divine Service at San Luis Obispo.*

"This claim is based on a grant issued by the same authority, bearing the same date and couched in the same terms as that last mentioned. The land granted is described therein as 'one square league in the place called Laguna,' and the garden *(la huerta)* situated in front of the *Casa Cural,* with the other small one in the rear of the said *Casa.* The two gardens are proved to have been enclosed and cultivated by the priests many years, commencing some time before the date of the grant; and from the evidence which is given of a recent survey of them, no difficulty would seem to exist in identifying the land and tracing its boundary lines.

"The square league of land which was granted in the place known as the 'Laguna,' had its boundary defined by judicial measurement, made by the proper officer on the 23rd day of September, 1845, at which time possession thereof was formally given to the priest acting on behalf of the Church at San Luis Obispo. Occupation of the property under the grant is also proved. Annexed to the two grants last above mentioned is a written acceptance of the same by

[26] See pp. 265-266, this volume.

the Bishop of the diocese with a declaration of its dedication as ecclesiastical property to the uses mentioned in the grants. . . ." [27]

*"The Church Edifices, Cemeteries and Priest's Houses, with the Curtilages and Appurtenances at the Several Missions, and Certain Gardens and Vineyards at or near the Same.*

"For these no grant from the Governor of California is presented, nor is it claimed that one was ever issued. The right of the Bishop to the property in his fiduciary character, if sustained at all, must be sustained on the ground of a *dedication* of it by the government to the uses indicated.

"In our country dedication by an original proprietor has often been recognized as a legitimate origin of title. Dedication for pious, or charitable, or religious purposes, is placed by our Courts on the same ground as dedication for public uses, such as streets, roads, common, quays, etc. Such dedications are valid to divest the proprietor of his estate, and to enable those for whose use it is made, to enjoy the full benefit of the property and to maintain their right to it before the judicial tribunals. Such dedications may be good, although there be no grantee *in esse* capable at the time of taking the legal estate; they may be made by parole, as well as by writing or by deed; they may be inferred from long use of the property for the purposes specified with the assent of the owner, and from all those circumstances of action or inaction, speech or silence, which indicate an appropriation of the property by him to the use of others; they may be made by the government as well as by individual proprietors; and when made, the proprietary right to the premises cannot be resumed, at least so long as the property is used for the purposes designated.[28]

"In Spain, the case of dedication of land for pious purposes was free from many difficulties which were attached to the subject in Common Law countries. The Catholic Re-

[27] See pp. 265-266, this volume.

[28] Several Court Decisions are referred to here.

ligion was established by law, and its proper officers were always regarded as possessing the capacity to take and hold land for pious purposes.

"It is alleged that in Mexico the law was different, and that the Church, as such, could not there hold the absolute title to land. The King of Spain being made, by concession of the Pope, head of the Church in his American dominion, it is claimed that the title to the Church property was vested in the crown, and that after the Decree of the Spanish Córtes in 1820, churches could not hold the title to real or personal property. . . . Admit this to be the law in Mexico, it does not operate to prevent the acquisition of rights in property dedicated to pious uses, nor if such dedication be proved, would it debar the proper officers of the Church from a decree of confirmation by this Commission. It has been decided by no Court, so far as I am aware, that the vesting of an absolute legal title was necessary to sustain a dedication of land for public or religious purposes. It is enough that the usufruct be given, to consummate the dedication, and to enable the party intended to be benefited by it to maintain his right. . . .

"*Ecclesiastical property* was here, as under the civil law, known as a class of property, standing by itself, in legal nomenclature, and governed by rules not applicable to other estates, intended to protect and perpetuate its use to the benefit of the Church. By the laws of Spain, as well as by Canon Law, which was recognized throughout the Spanish dominions, ecclesiastical property was regarded as comprised in two classes. The *first* embraced property usually denominated *sacred,* and which was in a formal manner consecrated to God, and destined to the purposes of Divine Worship as its instruments. Such are the church edifices, the cemeteries, the sacred vessels of the altar, the vestments, etc.

"The *second* class comprised property of whatever kind, which was held by the Church, or by the Ministry who officiated at the altar, by any temporal title, and which was appropriated to the maintenance of Divine Worship, or to the support of the officiating Ministry. These are not, like the

first class, consecrated directly to divine purposes; but, since they yield a support to the clergy and the service of the temples, they are considered indirectly set apart for the Worship of God, and therefore of divine right. Under this class were included lands occupied for the residence of the priests and other buildings necessary for his convenience, the gardens and grounds used for the supply of his table, or of any of the sacramental purposes of the Church, and that from which revenue was derived for its support. Property falling within the class of *ecclesiastical* can be alienated only when certain necessities arise, and then under the proceedings provided by the Canon Law. Such property was regarded as withdrawn from the dominion and traffic of man—in the expressive language of the civil law it was 'out of commerce.' Every Church was required to have, upon its organization, an endowment for its support, and property which it had long held for such uses, was presumed, where no other title was shown, to have been acquired by donation or by gift for its endowment; and property produced by the labor of persons devoted to the service of religion, became ecclesiastical property. Ferraris Biblio. verb. *alienare*. 1 Sala Mexicana, 226. 1 Febrero, Mex., 297. Escriche, verb. *Bienes Ecclesiasticos*.

"The churches, cemeteries and gardens which are claimed, are those that pertained to the twenty-one missions established within the present limits of the State of California. The earliest of these was established in 1769, and the latest in 1823. With the exception of three of them, all were established prior to the commencement of the present century. Their existence is thus shown to have commenced under the care and superintendence of the Missionary Priests, at periods varying from thirty-three to eighty-seven years. If the property had been used for churches and church purposes only, during this period of time, without objection or interference on the part of the king of the nation, we should not doubt that the small portion of the public domain occupied for the purpose must be regarded as dedicated to the Church. The general superintendence of the Church, which the king, and subsequently the government of the republic, held—the obli-

gation to propagate the faith, to establish places of worship, and to provide for the enjoyment, by the citizens, of the services of the established religion, would forbid the supposition that property so long used for a sacred purpose should be wrested from its ecclesiastical destination, and made the subject of concession or sale for secular use. The desecration of the time-honored church, which for half a century had been open for every worshiper, and the cemetery where the bones of the faithful reposed, and the tenements which served the minister for his residence, and the small plats of ground enclosed under his superintendence, and planted by his own hand for the benefit of the service, would never have been permitted under the laws of Spain or Mexico, on the ground that no formal grant of the premises had been issued before the consecration.

"But the question of dedication in this case is complicated from the fact that the property claimed was used in connection with the Mission establishment where it was situated, and was originally under the care of the Mission Fathers. Before proceeding to examine the evidence of the devotion of this property to the Church, it is necessary to consider the character of these establishments as affecting the right to the premises in question.

"They were not merely Church establishments; their organization had for its object something more than the spiritual care of those connected with them. They were intended not merely to Christianize, but also to civilize the Indians; to instruct them in the arts, and to guide their labors. In their domestic arrangement it was a community system, in which all the neophytes, under the temporal as well as the religious care of the Missionary Priests, were gathered together; and in them the Indians, to the number at one time of, in the aggregate, nearly twenty thousand,[29] laboring in their newly taught avocations of civilized life, were united, forming one family at each of the Missions. At an early day immensely large tracts of land surrounding each Mission were regarded

[29] 21,196 rather, to be exact.

as within its rightful limits, and were used, as occasion might require, for grazing or cultivation. While these establishments were in a prosperous condition all these lands were treated as lands of the Mission, and were under the charge of the Missionary Fathers for the benefit of the community. When subsequently the dissolution of the community was contemplated, they came to be regarded, in theory at least, as the property of the neophytes, and this theory, with slight modification, was retained after the Missions began to fall into decay, and even when the community system was abandoned. Lands were then distributed to the individual neophytes, by specific grants in small quantities, it is true, but in such parcels as were deemed sufficient for their wants and commensurate with the labor which they were likely to bestow upon them;[30] the remainder were granted to other citizens of the republic. The rapid breaking up of the establishments, followed by the dispersion and decrease of the neophytes, soon rendered the theory of little practical importance, and grants were made to the white inhabitants with little or no regard to it.

"It will not, therefore, do to regard all the property which was occupied by the Mission communities, under the charge of the Missionary Priests, as devoted to the Church. Such evidently was not its character; and yet it is equally certain that the propagation of the Catholic Faith and the establishing of permanent churches, were among the primary objects, both of the government and the ecclesiastics in the establishment of the Missions.

"Hence it happens that the property under the control of the Missionary Priests was considered to be of two kinds, viz:—Mission Property and Church Property; the former embracing the large tracts of land which were used for the ordinary purposes of the community, and which were to be divided eventually among the neophytes, to hold in severalty; or granted to the white inhabitants in colonization;[31] the

[30] A white man could not have made a living on the small allotment.

[31] but not until ceded by the Indians.

latter (Church Property), comprising such smaller portions as were separated from the mass, were under the more especial charge of the priests and devoted to the uses of the Church, the purposes of worship, and the support and comfort of the Ministers, and, like other ecclesiastical property, designed to be retained for those purposes. . . .

"It will thus be seen that, while from the first, the missionary establishment was designed to be temporary in its character,[32] the churches established by the missionaries at the several missions were intended to be placed on a foundation of perpetuity. This was contemplated not by the ecclesiastics only, but by Royal Decree and by the action of the public authorities whose sanction and support they had . . .

"The difficulty is in determining, as the Missionary Priests had the general control of all the property, both that which was known as Mission and that which was called the Church property, whether the premises in question fell into one or the other of the classes. As to the church edifices and the adjoining cemeteries, I apprehend little doubt can arise. . . . As to the gardens or orchards, and the vineyards, which are claimed in the case, it is proved that they received the special care and supervision, and often the personal labor, of the priests; that the products were used for supplying their daily needs, and for furnishing the wine and oil which were required in the daily services of the Church, and portions were sold for the means of defraying the incidental charges of worship. It is also undoubtedly true, that a part of these products were sometimes used for the benefit of the community. But it is the concurrent testimony of all the witnesses familiar with the subject, that, from the first, this property was never regarded in the light of the ordinary Mission property, but was always treated and deemed to be in a special manner under the personal care of the priests, and devoted to their use and that of the churches over which they presided. . . .

"But this possession was destined to be again put in jeop-

[32] i. e. until the missions became parishes, and the Indians were given full control of all their lands.

ardy by the action of the local authorities. On the 28th day of May, 1845, and again on the 3rd of April, 1846, the Departmental Assembly adopted decrees in relation to the Missions; and on the 28th day of October, 1845, Governor Pico issued his regulations on the subject.[33] These provided for the renting of some of the Missions, and the sale of others by name. Care, however, was taken in these documents to reserve the churches and appurtenances, and a sufficient locality, or part of the buildings for the Curate's houses (which were first to be assigned), the remainder to be rented or sold, and provision is required to be made for the support of Divine Worship.

"While these reservations recognize the rights of the Church in this property, it evidently is not conceded[34] that the entire buildings connected with the churches and possessed for the use and residence of the priests, and the gardens and vineyards which were under their special charge, had been dedicated to and become the inviolable heritage of the Church. *If, as is my opinion, this property was already thus dedicated, the act of the assembly, and the governor in making sale of any part of it, would be, so far as that part was concerned, without authority and void; and any action which may have been had under them, cannot, therefore, defeat this claim.* . . .[35]

"In conclusion, and in review of the whole case, we are of opinion that the property in question was dedicated to the Church; because—

"1. It was the original design, when the Missions were established, that the Mission Churches should become permanent curacies, and the property used incident to the Church and its services was evidently designed to be permanently devoted to that purpose, after the Missionary Priests should give place to the ordinary clergy.

"2. The direct connection of the Government with these

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[33] See pp. 445-450, this volume.

[34] by the assembly and Pio Pico.

[35] Italics are ours.

establishments, erected on the national domain, its approval, supervision, and aid of them, its constant recognition of them, as most important institutions in propagating the national faith, and securing its services for future generations, show a direct assent by the Government to the use of the land in question, and give ample evidence of its devotion to those sacred and ecclesiastical purposes.

"3. The testimony of numerous witnesses conversant with the subject proves that the property claimed was always distinguished from other property at the Missions, this being known as the 'Church Property,' and the other as the 'Mission Property,' and this being always recognized and admitted by the public officers, as well as by the whole community, as property belonging to the Church.

"4. Proof is given of the possession and use of this property for the purposes specified, for periods of time varying at the several Missions from thirty to eighty-six years. This possession and use seems never to have been interrupted by the King or the Supreme Government of Mexico, and by the local authorities only for the brief period required to obtain the notice of the supreme authorities, and to transmit directions to restore it to its previous use.

"5. The secularization law of August, 1833, is a direct assignment by the Mexican Congress[36] of all the Mission churches to the use of the parishes; and as to the other property in question the decree of the President of the Republic, in answer to the petition of the Bishop,[37] is an express recognition of the ecclesiastical character of it, and a renewed dedication thereof to the Church.

"These concurrent proofs bring us irresistibly to the conclusion that, before the treaty of Guadalupe Hidalgo, these possessions were solemnly dedicated to the use of the Church, and the property withdrawn from commerce. Such an interest is protected by the provisions of the treaty, and must be held inviolable under our laws.

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[36] See pp. 518-520, preceding volume.

[37] See pp. 209-212, this volume.

"A decree of confirmation will therefore be entered in the case."

We can easily imagine with what relief and satisfaction Bishop, now Archbishop, José S. Alemany, entered the following note in the *Libro Borrador:* "1855. December 18. Lands of the Catholic Church as petitioned for, or presented for confirmation to the U. S. Land Commissioners, confirmed to me by said Land Commission. Opinion of the Board delivered by Commissioner Alpheus Felch." The U. S. District Attorney took an appeal to U. S. District Court, but the appeal was dismissed in the following year. Hence this last entry in the *Libro Borrador:* "1856. No. 22. Appeal by U. S. Attorney subsequently dismissed; and U. S. Patents sent accordingly."

The amount of land allowed by the Land Commission varied. It will be stated in the local history. Santa Barbara Mission's share, including the site of the buildings, comprised two hundred and seventy-four and fifty-three hundredths acres. The patent finally signed by President Abraham Lincoln bears date of March 18th, 1865.[38]

With regard to the claim for one league of land at each mission for the Indians, urged by the synod in 1852,[39] Bancroft says: "As there had been no grants or even occupation, there was no valid claim before the courts, which could only protect rights, not distribute lands to any class, however deserving, except by act of Congress. Therefore these claims were rejected by the Board. It is unfortunate that the Mexican Government, or that of the United States, did not make provision for the Indians by granting lands to be held in trust by ecclesiastical or other authorities, though of course the courts could afford no relief." [40]

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[38] "Recorded in Vol. IV, pp. 346-355, General Land Office." Abstract in the County Clerk's Office, Santa Barbara.

[39] See note 21, this chapter. This became Land Case No. 663.

[40] Bancroft, vi, 564-565. At all events, the case proved that the Catholic clergy at all times looked to the rights and the welfare of the Indians.

## CHAPTER XII.

Land Claims Before the Commission.—Land Case "The United States vs. Andrés Pico et Alios."—Claim Stated.—Absence of Documents.—Witnesses.—Judge Ogden Hoffman's Decision.—Land Case "J. W. Redman et Al. vs. The United States."—Fatal Discrepancies.—Pico not at Los Angeles on Dates Claimed.—Claim Rejected.—Land Case "Thomas O. Larkin vs. The United States."—Absence of All Proofs.—The Montesdeoca Order.—Claim Rejected for Want of Authority in the Governor to Make Either Grant or Sale.

FROM what has been said the reader will infer that parties claiming or occupying Mission lands, as well as other claimants, early took steps to secure patents therefor through the Land Commission or by way of appeal through the United States District Court. In fact, "there were presented to the Land Commission eight hundred and thirteen claims, calling in the aggregate for over 12,000,000 acres, or nearly 20,000 square miles. . . .[1] Of these, five hundred and fourteen were confirmed; the others were rejected because of fraudulent or defective titles. . . . In nearly every case an appeal was taken to the United States District Court, which, rejecting some, allowed one hundred additional claims. The rest were definitely rejected, save nineteen which were withdrawn." [2]

Among the claims passed upon by the Land Commission, but which were appealed, three concerned the property of the

[1] "To the brothers Pio and Andrés Pico over 532,000 acres were confirmed!" Hittell, ii, 753. Which of the missions with 2000 Indians owned as much land? Yet, has any one of the critics, who charged the "padres" with claiming too much land, in fact, all the land from mission to mission to the exclusion of colonists, found fault with the two Picos for claiming an amount of land which they could not possibly cultivate or need? The "padres," be it remembered claimed not an acre for themselves. They merely defended the rights of the real owners—the Indian neophytes.

[2] Hittell, ii, 753-754; iii, 695; Bancroft, vi, 540-560.

missions of San José and Santa Clara. We shall conclude our history of the missions with the reproduction of the judicial decisions in these three typical cases, since they reveal the true inwardness of the game played by Pio Pico and confederates against the Indian missions and their missionaries, especially in the last days of the unworthy governor's rule.

The first case—"The United States versus Andrés Pico et Alios"—concerns the "Mission Lands of Mission San José." It is Land Commission Case No. 110, but Case No. 417 in the United States District Court, San Francisco. The Opinion, delivered by His Honor, Judge Ogden Hoffman, and filed by the clerk, W. H. Chevers, on June 30th, 1859, reads as follows:

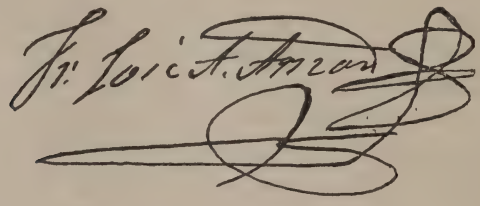
"The claim in this case was confirmed by the Board, and it is submitted to this Court on substantially the same evidence as that on which it was decided by the Commissioners.

"The original grant by Pio Pico, dated May 5th, 1846, is reproduced, and its genuineness testified to by Pio Pico himself. The claimants have also produced an original communication from the Minister of War and Marine,[3] dated March 10th, 1846, to Pio Pico, which the latter alleges he received prior to making the grant in this case, and which contains, as he states, the authority under which he acted. There is also produced a receipt from Gov. Pico for $6000, on account of the $12,000 for which the Mission was sold; and one from Gen. José Castro for a like sum—the first dated May 15th, 1846, the last, July 28th of the same year. The claimants have also produced a document signed by Pio Pico, in which he recites an order from himself to the Father President of the Missions of the North,[4] and dated May 5th, 1846. In this order the governor informs the Father that the government, in view of the urgent necessities of the nation, as communicated in the official note of the Minister of War and Marine of the 10th March, 1846, and pursuant

[3] See pp. 485-486; 503, this volume.

[4] Fr. Antonio Ánzar of San Juan Bautista.

to the decree of the Departmental Assembly of April 13th, 1846, had sold the Mission of San José, with all its lands, real and personal property, and other existing movables, to Andrés Pico and Juan B. Alvarado. The governor, therefore, directs the Fr. President to cause the said establishments to be delivered up without hindrance, reserving the



Signature of Fr. José A. Anzar.

parsonage-house and ground pertaining to it for the use of the Rev. Father Missionary. The claimants have also filed a certificate or statement made by Friar José Maria del Refúgio Suárez del Reál, dated December 24th, 1849, setting forth that Don Andrés Pico had presented to him a deed of sale of the Mission of San José, dated May 5th, 1846, whereby the governor constituted the said Andrés Pico and Juan Alvarado owners of the arable lands, and dwelling-houses, recognized as belonging to the mission, which up to that time had been under his administration and tutorship; that in pursuance of said deed, as well as an order previously received from the governor to deliver said property to its owners, he went in person to the mission, and on the 22nd November, then last past, made a formal and solemn delivery of the appurtenances of said establishment, except the church, cemetery, priest's house, and adjoining *huerta,* to Don Andrés Pico, who took possession. There is also filed a petition addressed to Antonio M. Pico, dated January 2nd, 1850, asking that the judicial possession of lands, etc., ordered be given; to which is attached the record of an act of judicial possession, made, in pursuance of the petition, by H. C. Smith, alcalde, on the 18th, 19th, 20th February, 1850. The above, with certain agreements, conveyances, etc., includes all

the documentary evidence exhibited in the case on the part of the claimants.

"It has frequently been remarked by this Court that the only reliable evidence, which can be offered in support of a grant, is that furnished by documents found among the archives of the former government, and that afforded by showing an occupation, or at least a notorious assertion of title, before the acquisition of the country by the Americans.

"In the case at bar, not one of the documents exhibited is found among the archives. The proofs of title rest, as has been seen, exclusively on the grant or deed of sale by Pio Pico, the genuineness of which is sworn to by that officer, and on two receipts, the authenticity of which is proved in a similar manner. The certificate of Padre Reál is not only inadmissible in evidence as being nothing more than the unsworn statement in writing of a person not examined as a witness, but it is dated December 24th, 1849, long after the treaty by which California was acquired, and about the time at which it is contended on the part of the United States the documents now produced were fabricated, and at which, as will hereafter be seen, the claim of the appellees was for the first time heard of. The original order addressed to the Father President of the Missions is not produced. It is recited in a letter addressed to Andrés Pico and Juan B. Alvarado by Gov. Pico, and dated May 5th, 1846, the very day on which the grant purports to have been made.

"The grant itself contains at the foot the usual note or memorandum that a note of it has been taken in the corresponding book. No such note can be found. Among all the records, correspondence, and other papers in the archives, no reference or allusion to, nor any trace whatever of this transaction appears. The order to the President of the Missions was undoubtedly, if it was given, an official letter, a copy or borrador of which would have been preserved; and it is almost impossible that the draft of the letter to Andrés Pico and Alvarado, in which the order is recited, would not also have been found among the archives. The sale of so considerable a property was an important transaction, which

it is equally difficult to conceive to have occurred without some preliminary proceedings, traces of or allusions to which would exist among the official transactions of the former government; and the receipt by the government of so very considerable an amount as $12,000—$11,000 of which was in cash—would almost certainly have somewhere been evidenced by the records.

"The grant or deed of sale purports to convey to the vendees 'the establishment or Mission of San José, with all its lands, real and personal property and other existing movables, according to the inventory made by the commission appointed by this government.' No such inventory appears in this case. It ought, if ever made, to be found in the archives.

"In the case of the United States vs. Cambuston, the Supreme Court, after alluding to the entire absence in that case of any documentary evidence of title of record, or found among the archives, says: 'We think, for the reasons above stated, that the case in the court below was too defective to have warranted a confirmation of the title to the claimant, as it was unsupported by the evidence; and also for the further reason that, for aught that appears in the proofs, the alleged grant has never been recorded in the proper book, or indeed in any book of the Spanish records. This is expressly required by the regulations of November, 1828, and enjoined in the grant itself. The record should have been produced, or its non-production reasonably accounted for.'

"It is urged that in this case (which is claimed to have been a sale, and not a grant), the governor did not act under the colonization laws, but under some authority conferred on him by the Dept. Assembly, or by the circular of Tórnel, Minister of War and Marine of the Republic of Mexico; but the grant itself recites that it is made in conformity with the law of August, 1824, and the regulations of 1828; and the memorandum at the end states that a note has been taken of it in the corresponding book. The non-production of this book is not in this case accounted for, but it is known to the Court that the book of *Tómos de Razón,* as it is commonly

called, for the period at which this grant was made, is not found in the archives. The absence of any note of the grant is not therefore of itself a suspicious circumstance; but the entire absence of any trace or allusion to the grant in any report, correspondence, order, or other document in the archives, is a circumstance which, to any one acquainted with the official habits of the former government, is pregnant with suspicion.

"If this grant be deemed to have been made under the colonization laws, the case of Cambuston is a decisive authority for the rejection of the claim; and even if it be deemed not to have been made under those laws, the observations of the Supreme Court in the case referred to, clearly inculcate the principle that in all cases evidence of some kind from the archives should be rigorously exacted, or its absence reasonably accounted for.

"But the evidence of occupation or the assertion of title under the former government is equally unsatisfactory. The only testimony which even tends to show that Andrés Pico and Alvarado ever asserted any title to the mission before the end of 1849, or beginning of 1850, is that of Antonio Maria Pico and Joaquín Castro. The first of these witnesses swears that he gave to Andrés Pico and Alvarado possession of a garden, but under what title he does not recollect. It was done (he says) under an order of the governor, which he believes is among the papers; but, in the first place, no such order is produced; and, secondly, this possession was given, according to Antonio M. Pico, in 1844—two years before the date of the grant now relied on. Joaquín Castro swears that certain debts due by the mission were paid by Andrés Pico and Alvarado. The payment of those debts was one of the duties imposed on the grantees in the grant itself; unfortunately, however, it appears by Castro's own statement that 900 *fanégas* of wheat, which the mission owed to Jesus Vallejo, were paid by Andrés Pico in 1850; and that he was told by Antonio Maria Pico in 1850 or 1851, that one hundred dollars, which the mission owed him, had been paid, *when*, he does not state, nor does Antonio Maria Pico himself.

though he was examined as a witness for the claimants. But there is more decisive proof that no title to the mission could have been asserted by the claimants until long after the change of flags.

"In the letter of Pio Pico to his brother and Alvarado, he recites the order which, as he says, he had on that day (May 5th, 1846), given to the Father President of the Missions for the transfer of the property of the vendees. It has already been observed that the original of this order is not produced, nor is the office copy found among the archives. If it has been issued, it is impossible to suppose that the vendees would not at once have insisted on its execution. The buildings, orchards, etc., of the missions were valuable and productive; and yet, during the whole period from the date of sale and of the order to the Father President (May 5th, 1846), up to at least the end of 1849, the mission lands and buildings were suffered by the vendees to remain in the possession and under the control of Padre Reál and of the Father President.

"Adolfo Carreros testifies that in October or November, 1847, he took possession of an orchard of the mission by order of the Padre, and that he kept possession thereof until January, 1849, when he surrendered it to a Mr. Bolcoff by direction of the same priest. During all this time, he, the witness, divided the produce of the orchard with the Padre according to agreement. The same witness also states that after Bolcoff had remained in possession some months he agreed to surrender the land in consideration of the sum of $1000, to be paid him by the priest. He also testifies that he never knew of Andrés Pico asserting a claim to the mission lands until 1850, when he was told by Padre Reál that certain persons occupying rooms in the Mission must have an understanding with Andrés Pico, as he had a title to the whole Mission. He also adds that, if such a claim had been asserted before 1850, he would probably have heard of it from the Padre, with whom he was on terms of intimacy; and he states, on cross-examination, that previous to 1850 Padre Reál rented some of the buildings, corrals, and portions of the

lands to different persons, and that he (the witness) was employed by the Padre to collect some of the rents.

"It is also shown, on the part of the United States, by the record of a suit commenced by Padre Reál against E. L. Beard, to recover possession of a portion of the land, that on the 17th of July, 1849, Padre Reál and the Father President of the Missions executed a lease of the mission lands to John B. Steinberger for the term of five years, for the sum of $22,000. It was claimed by Padre Reál in this suit that Beard entered under Steinberger. This Beard denied, but averred that he had entered on the premises as vacant public lands of the United States. The suit seems to have been prosecuted until November 1850, when it was dismissed by consent—Beard having by that time acquired an interest under the alleged grant to Pico and Alvarado.

"It would seem clear from these facts, not only that the alleged grantees for more than three years suffered Padre Reál to deal with and use the property for his own benefit, without asserting either to him or his tenants their own title, but, also, that no order to deliver the possession to the vendees could have been issued by the governor to the Father President on the 5th of May, 1846. That he and Padré Reál should, notwithstanding an official notification of the sale to Pico and Alvarado, and notwithstanding the positive order to deliver possession to them, have ventured to make a lease of the lands three years afterwards, is in the highest degree improbable; more especially, as by the lease it is expressly stipulated that the lessors should on no account be responsible in case the Government of the United States or of the Territory of California should annul the contract, while no mention whatever is made of the far more probable contingency (if the facts averred by the claimant are true), that the real owners of the land might assert their title to it.

"I cannot but consider that, if this lease was executed by Padre Reál and the President of the Missions, as alleged in the complaint of the former, we are justified in inferring that at that time they could not have heard of the sale of the Mission to the present claimants; and that they could not

have received three years before an order from the governor to surrender the possession; an inference strongly corroborated, as we have seen, by the testimony of Carreros, and by the absence of all positive testimony as to the assertion of title by the claimants up to the end of 1849, except the statement of Antonio Maria Pico that he heard of the sale before 1848.

"Had this claim been asserted during the years 1846, 1847, 1848, and 1849, it is impossible that it should not have been heard of by some of the persons who occupied or desired to possess the buildings, orchards, gardens, and fertile lands pertaining to the Mission as well as to the Priest and the Father President. But no such evidence, except the loose statement of Antonio Maria Pico, has been produced, and the Court is authorized to assume that a fact so susceptible of proof, and which is not proved, does not exist.

"But if it be in a high degree improbable that the Father President would, after being notified of the sale and ordered to deliver the possession, have made the lease referred to, it is still more improbable that the vendees, who had paid in cash so large a sum as $11,000, in current money, and obtained on the very day on which the sale was made an order for the immediate delivery of the possession, would for three years and a half, have wholly neglected to avail themselves of the rights they had acquired; during all which time the Padre continued in possession, and rented the land, buildings, etc., while their own title remained unasserted and even unknown, so far as appears, to any one but Antonio Maria Pico.

"It thus appears, not only that the archives fail to furnish the slightest evidence in favor of this claim, but that the absence of all allusion to, or trace of, its existence affords a strong presumption against its genuineness; and secondly, that it is not only unsustained by any proof of the assertion of title prior to the conquest of the country, but its existence was unknown to parties who, if the papers are not antedated, could not have been ignorant of it, and it remained unasserted under circumstances and for a length of time, which render

the silence and neglect of the alleged grantees almost incredible.

"But there are other circumstances which tend to strengthen our suspicions as to the genuineness of this title. The receipt for $6000, dated May 15, 1846, and the letter of Pio Pico in which he recites his order to the Father President, dated May 5, 1846, are signed by Pio Pico in the mode now used by him, as appears by the signature attached to the deposition. A slight examination of the archives shows that this mode of signature is unmistakably different in the shape in the letter 'P,' which is the initial letter of both his names, from that uniformly adopted by him at the period when this grant purports to have been issued. On the very days, when the documents we are considering are dated, i. e. on the 5th and 15th May, 1846, his signature appears on the Departmental Assembly records, and other documents of undoubted authenticity, exhibiting its characteristic peculiarities, and wholly dissimilar in the form of the letter referred to, to that appended to the document in this case. Nor is this all. The signature to the grant or deed of sale has evidently been altered. It is obvious on inspection that both the 'Ps' were originally written in the form used by him at the date of the grant, but those letters have since been altered so as to make them conform in shape to the signatures on the two other documents bearing his signature exhibited by the claimants.

"This alteration is wholly unexplained. It suggests the suspicion that the deed of sale may have been made perhaps before the flight of Pico from California in 1846, when he would naturally have adopted the mode of signature then used by him; but the parties, perceiving that such a sale would be of no validity unless the consideration had been paid, and unless proved by some other evidence than the bare production of the title itself, have more recently, probably in 1849 or 1850, procured the ex-governor to sign the receipt and the letter ordering the Mission to be delivered to the vendees. In signing these last, Pio Pico has inadvertently used his later mode of signature; and the parties, not

willing that the papers should show him to have signed his name in two different ways on the same day, have altered his first signature to correspond with the last.

"Whatever probability there may be in this conjecture, the fact remains that the first signature has obviously been altered; and that the two others are similar to that attached to his deposition, but different from that officially used by him, not only before and after the time at which the documents purport to have been signed, but on the very days on which they are dated.

"Secondly. In the case of Thomas O. Larkin et al. versus the United States,[5] this Court had occasion to review at length the legislation and policy of the Mexican Government with regard to the Missions of California. It was in that case considered that the order of the Supreme Government signed *'Montesdeóca,'* and dated November 14th, 1845, which directed Pio Pico to suspend all proceedings relative to the sale of the property pertaining to the missions,[6] applied to the buildings, orchards, gardens, and other improved property which had been created by the industry of the missionaries and the Indians under their charge, but that it probably was not intended to deprive the governor of his general power of granting under colonization laws the extensive tracts of vacant and entirely unimproved land which may at one time have pertained to those establishments. The deed of sale in the case at bar includes not only the lands of the Mission, but 'all its property, real and personal, and other existing movables, according to an inventory, etc., excepting only the priest's house, consisting of six rooms, with the ground thereto belonging.'

"This order of Montesdeóca was presented to the Departmental Assembly on the 15th April, 1846, two days after the alleged session of the 13th April, at which the grant in this case recites the power to sell the Mission was given by that body to the governor. The sale was thus *in open and flagrant violation of the peremptory order the governor had received*

[5] for the possession of the Santa Clara Mission orchard.

[6] See page 455, this volume.

*less than three weeks before.* That he should have so acted seems highly improbable.[7]

"Thirdly. The decree or resolution of the Assembly to which the governor refers in his grant as having been passed on the 13th April, 1846, is not found among the proceedings of that body. On the contrary, it appears from the journals that the Assembly met on the 30th March, and again on the 15th April; but there appears to have been no session during the interval.

"Fourthly. We have seen that the only sources of power to which the governor refers in the grant, are the decree of the Assembly of April 13th, 1846, and the colonization law of 1824 and the regulations of 1828. In his letter to the President of the Missions, dated on the same day, as also in his deposition, he states that he also derived his power from a communication of the Minister of War and Marine, dated March 10th, 1846. We have also seen that there was no decree of the Departmental Assembly of the 13th of April, 1846; nor was there any session of that body on that day.

"In the case of *Thomas O. Larkin et al. vs. The United States*, before referred to, it was observed by this Court that the communication from the Minister of War and Marine appears to be a circular addressed to the Commandant-General of California, among other functionaries. All of it, except the address, is marked as a quotation, and its object seems to have been to stimulate the public authorities to a vigorous defense of the national territory and the maintenance of the national honor. The only clause by which any authority to sell the Missions can be deemed to have been conferred on the governor is that in which it is stated that 'the Supreme Government expects from your loyalty and patriotism that you will dispose such measures as you may judge most suitable for the defense of the department, for which object ample power is granted to you and Señor, the Governor.'[8]

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[7] Italics are ours.

[8] See page 486, this volume.

"It is evident that the power here conferred was given to the Commandant-General as amply as to the governor. It can hardly be pretended that under it the Commandant-General could have sold the vineyards and orchards of the Missions to whomsoever and at whatsoever price he chose. It appears to me that the object of this circular was merely to authorize and direct the general commanding to take the proper military measures for the defense of the country, and that, if it had been intended to revoke or modify the order signed '*Montesdeóca,*' prohibiting the sale of the mission property, and which was issued only three months previously, that object would have been unequivocally expressed, and the governor directed to make sales of that property to procure resources for the war.

"The Board of Commissioners were unanimously of opinion that this circular conferred no power to make the sale at bar, and in that opinion I concur.

"But supposing that Governor Pico considered that this circular did confer upon him the power to sell the Missions, it is a little remarkable that he did not refer to it in the grant itself when alluding to the decree of the Assembly of the 13th April, and especially when he is at pains to set forth the circular in his letter to the Father President, dated on the same day as the grant. But it is still more surprising that the circular should at the date of that letter (May 5th) have been received by him.

"The circular is dated at Mexico on the 10th of March, 1846. The communication of Castillo Lanzas, addressed to the local authorities, and advising them of the approach of war, is dated on the 13th March, 1846. It does not appear to have reached California until about July 4th of the same year. The Montesdeóca document, so often referred to, is dated November 14th, 1845. It seems not to have been received until about April 13th, 1846. It is therefore a remarkable circumstance that the Tórnel circular, dated March 10th, should have reached California in the beginning of May, and been acted on by the governor on the 5th of May; while another circular, equally important, and dated only three days

afterwards, did not reach the government until two months subsequently.

"If to these considerations we add the fact that Moreno, the secretary, has not been called as a witness, although the grant is signed by him and is in his handwriting; and the circumstance that the amount alleged to have been paid in cash, viz: $11,000, is a sum which few Californians would at that time have been able to command or willing to devote to such a purchase, we are justified in saying that all the circumstances connected with this claim confirm the suspicions which the entire absence of evidence from the archives, or of proof of occupation or assertion of title prior to 1849, unavoidably excite.

"I have not thought it fit to put the decision of this case on the ground of want of power in the governor to make the sale; though, as already decided by this Court, I think that his power to grant Mission property was confined to granting the vacant and unoccupied land adjacent to those establishments, and did not extend to the buildings, orchards, vineyards, etc., which the order of Montesdeoca had expressly prohibited him from selling.

"I think, for the reasons above given, that in the language of the Supreme Court, 'the case is too defective to warrant a confirmation of the title to the defendant, as it is unsupported by the evidence.' The claim must therefore be rejected.

"Ogden Hoffman, U. S. District Judge.—Indorsed. Filed, June 30th, 1859. W. H. Chevers, Clerk."

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The next case is Land Commission Case No. 742—No. 412 in the U. S. District Court—J. W. Redman et al. vs. The United States, for the "Orchard of Santa Clara." The Opinion delivered by Judge Ogden Hoffman is as follows:

"The claimants have produced in evidence a deed purporting to have been made by Pio Pico, on the 30th of June, 1846, conveying the orchard of Santa Clara to Castañeda, Arénas and Días, in consideration of $1200 paid by them to the government. Also memorandum or account purporting to have been signed by Pico of the articles furnished to the govern-

ment by the Señores Castañeda, Arénas, and Días, in payment of the purchase money of the gardens of Santa Clara and S. José. This receipt or account is dated Los Angeles, July 2nd, 1846. The grant purports to be signed by Pio Pico, as governor, and also by José Matias Moreno, as secretary. Appended to it is the usual certificate, signed by Moreno, stating that 'A note of this superior decree has been taken in the corresponding book.'

"No expediente from the archives has been produced, nor do those records contain any trace whatever of the execution of this grant. No corresponding book has been exhibited, nor is any such found among the archives.

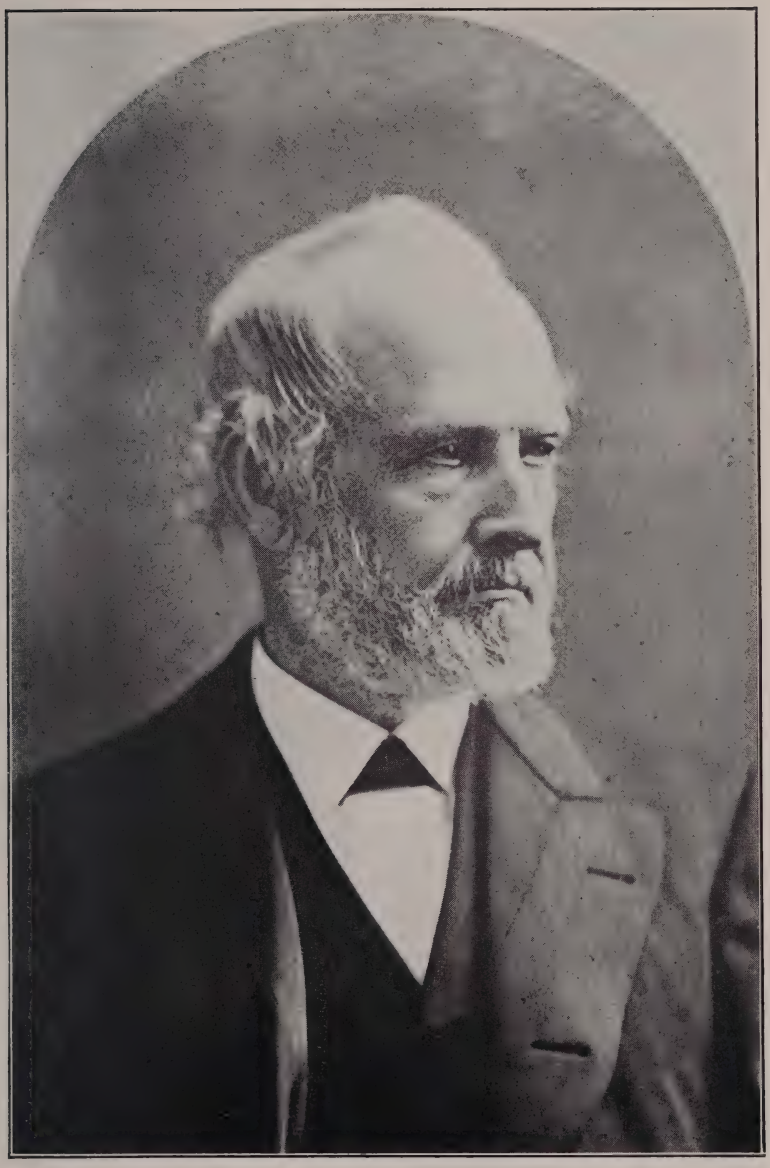
"No possession of the land was taken by the grantees during the existence of the former government. It is stated by James Alexander Forbes that the orchard remained in the possession of the missionary priest up to the year 1849 or 1850. About that time, one Ósio obtained possession, but by what right or title, does not appear.

"The claim thus rests entirely on the alleged grant produced by the parties, with the usual proof of signatures.

"It is contended on the part of the United States that the grant was made subsequently to the conquest of the country, and is antedated.

"The grant, as we have seen, purports to have been made at Los Angeles on the 30th of June, 1846. It was proved before the Board that at that date Pio Pico was not at Los Angeles, but at Santa Barbara, with his secretary and suite. The claimants have taken, however, in this Court, the deposition of Cayetano Arénas, who testifies that the grant was made in Santa Barbara and sent by the governor to the witness at Los Angeles, where it was received by him July 4th, 1846; and it is suggested that the grant was dated Los Angeles, the Capital of the Department, though actually signed at Santa Barbara, in accordance with the practice of the governor. The explanation is plausible, though it has somewhat the air of an afterthought to meet a difficulty that had unexpectedly arisen.

"It is strange, however, that the receipt above referred to



HON. PETER H. BURNETT, FIRST GOVERNOR OF THE STATE OF CALIFORNIA. (See p. 660.)

should particularly set forth 'it was given for the security of those interested *in the City of Los Angeles on the 2nd of July, 1846,*' when in fact, if executed at all on that date, it must have been executed in Santa Barbara or on the governor's own rancho.

"The grant, as has been stated, is to Juan Castañeda, Louis Arénas, and Benito Días. Castañeda is dead. The other two have been examined as witnesses. It is clearly proven, and indeed admitted by Cayetano Arénas, that the grant is in the handwriting of Castañeda. It is also in proof that during the whole month of June, and during the first days of July, 1846, Castañeda was at the headquarters of General Castro at Santa Clara. That about the 10th of July he was on the road to Los Angeles, at which place he arrived about the end of July.

"These facts are established by the testimony of General Castro himself, by that of Benito Días, and of Cayetano and Luis Arénas. Días states that he left Monterey for Los Angeles on the 10th or 12th of July; that on his way down he met Castañeda with General Castro; that they proceeded together to Los Angeles, where he arrived about July 20th; that they saw Pio Pico on their journey at his rancho of Santa Margarita.

"Cayetano Arénas, the claimants' witness, states that at the time he received the grant from Pio Pico, viz: July 4th, Castañeda, Benito Días, and Luis Arénas, the father of the witness, were not in Los Angeles, but were in the upper country; but that the latter arrived a few days afterwards.

"Luis Arénas testifies that he first saw the grant in the hands of Castañeda in his (Arénas's) house, in Los Angeles; that he left San José for Los Angeles the day after he heard of the taking of Sonoma by the Americans. This event occurred in the middle of June. Supposing then the witness's memory to be accurate, he must have lingered on the road, if his son is to be believed, a considerable time; for Cayetano Arénas swears, as we have seen, that he received the grant in Los Angeles on the 4th of July, and his father did not arrive until some days afterwards. Luis Arénas further states that he 'met Castañeda in Los Angeles a little while

after his arrival.' We have already seen, however, that Castañeda did not arrive in Los Angeles until about the 20th of July. And Luis Arénas admits that when Castañeda showed him the grant, Benito Días and Governor Pico were in the place, and that he saw them every day.

"Bearing these facts in mind, we proceed to consider the testimony of Días with respect to the execution of the grant. This witness swears that the grant was executed in Los Angeles about the first of August; that he saw Castañeda write it; that the receipt for money and articles furnished was written a few days after, but that he (the witness) never paid anything on account of purchase.

*"If this testimony be true, there is an end of the case.* The fact that the grant is in the handwriting of Castañeda would seem of itself such a corroboration of Días's testimony as to exclude much doubt as to its truth. Arénas himself does not pretend to have heard of the grant, or the agreement for the sale of the orchard, until after Castañeda's arrival in Los Angeles; and this, notwithstanding that, if the receipt be genuine, he (Castañeda) and Días had, on the 2d July, furnished to the governor cash and various supplies to the amount of $3200. He further states that he gave the governor two hundred head of cattle, that he received back $300 in change, and that he delivered to Pico a writing which showed that he made his part of the payment with the two hundred head of cattle which were then on Pio Pico's rancho. He adds that Pio Pico has these same cattle to this day.

"Benito Días states that he knows of the payment for the orchard of Santa Clara only from what Castañeda told him, viz: that he (Castañeda) had given a note to Pico, payable when the Mexican authority should be re-established, but that he, Días, never paid any part of it.

"The fact that the grant is in the handwriting of Castañeda might, perhaps, be accounted for consistently with the good faith of the transaction on the hypothesis, which, however, would be purely conjectural, that Castañeda had written it out and had sent it to the governor. But in such a case he must have written it before it was signed, and how can we

explain the circumstance that the date (June 30th, 1846,) is in the same handwriting and evidently written at the same time with the rest of the document?

"But supposing this difficulty surmounted, *the receipt is evidently antedated, or a fabrication.* Arénas could not have assigned the cattle spoken of by him, and the receipt for which is acknowledged on the 2d July at Los Angeles. He did not arrive until a few days before Castañeda; and his son, the only important witness for the claimants, states that he arrived some days after the 4th July.

"Castañeda could not have paid the cash or delivered the other articles mentioned in the receipt on the 2d July, for at that time he was at the headquarters of General Castro, at a distance of several hundred miles; and yet the receipt is in his handwriting.

"The account given by Días seems the only mode of reconciling these discrepancies, and though I should hesitate to accept his unsupported statement whether for or against a claimant in cases of this class, in this instance it is so corroborated and confirmed by other testimony, as to justify a belief in its truth. Cayetano Arénas is the only witness on the part of the claimants who pretends to have seen the grant before the end of July. If the claim is to be confirmed, it must be on his unsupported testimony.

"The account given by him bears strong marks of improbability. He states that the grant was sent to him, as it related to his father's business, and that he was instructed to retain it until Castañeda came down from the upper country. His father arrived a few days after, but Castañeda did not arrive, as we have seen, until about the 29th. The father of the witness was one of the original grantees. It is strange that he should not only have withheld for nearly two weeks this grant from his father, who was as much entitled to receive it as Castañeda, but should not at least have shown it to him, or, so far as appears, mentioned its reception. That Luis Arénas saw it for the first time in Castañeda's hands, is positively stated by himself.

"The deposition of Cayetano Arénas was taken after the

rejection of the claim by the Board. It is perhaps not unfair to say, that the testimony of so much importance, and introduced for the first time after the claim was rejected, is liable to much suspicion. Luis Arénas was examined and cross-examined at length before the Commission. The fact that Pio Pico was not in Los Angeles at the date of the grant had already been established. Had he known that the grant was in the possession of his son from the 4th July until he delivered it to Castañeda, he would naturally have stated it. He does not allude to the circumstance. It is difficult to imagine that Cayetano Arénas could have received this grant, made for the benefit of his father, among others, and retained it in his possession for nearly two weeks, without ever mentioning the fact, either at the time, or even subsequently, up to the moment when his father testified before the Commission.

"There are other circumstances which tend still further to corroborate the statement of Días. The alleged motive of making this sale was the exigency of public affairs, which compelled the government to avail itself of all resources at its disposal. It was dated within a few days of the Capture of Monterey. The payment and support of the army must have been of the first necessity, and the use to which the money and other articles would most probably have been applied; yet Castro, the Commanding-General, states that he never received any money arising from the sale of the orchards for the expenses of the war, and that, if money from that source had been so appropriated, he would certainly have known it. On his cross-examination he repeats that, though Pio Pico might have applied money or property arising from this sale to public uses without his (witness's) knowledge, yet he could not have applied it to the use of the army. But Luis Arénas negatives the idea that the cattle at least were applied to public uses, for he states (perhaps unguardedly) that the two hundred head given by him to Pico are still on Pico's rancho. This fact alone would be sufficient to raise suspicion that the governor did not, in a crisis of public affairs, in good faith attempt to obtain sup-

plies by a sale of public domain, but rather, that he has been induced at a subsequent day, for his individual advantage, to sign an antedated title. But even if there were less force in all these circumstances, one consideration seems to me decisive. Neither Pio Pico nor Moreno has been examined in the case.

"The governor, in the absence of all evidence from the archives, was the person who of all others could have explained when and why he made the grant; why it was dated at Los Angeles on the 2d July, as received from Castañeda, Arénas, and Días, when no one of them was at that place.

"Moreno might have explained how it happened that the grant was in this case written by Castañeda when the latter was at its date, and for some weeks subsequently, at a distance of several hundred miles. If the grant was written by Castañeda and transmitted to the governor for signature, Moreno might perhaps have told us how it happened that Castañeda guessed so prophetically the day on which the governor would sign it, and was able by anticipation to fill in the date at the time he drew the instrument. For that the date was written at the same time, and in the same hand with the rest of the document, is obvious on inspection.

"In a case like this—surrounded by circumstances so suspicious, and depending, on the part of the claimants, upon the testimony of Cayetano Arénas alone—the depositions of the governor and his secretary ought not to have been withheld. If the decision of this cause depended upon weighing the unsupported testimony of Arénas against testimony equally unsupported of Días, the duty of determining which had sworn falsely would be difficult as well as painful. But the testimony of Días is corroborated by every fact in the case, while that of Arénas, if not inconsistent with them, is wholly unsupported, and explanation from the best, if not the only source from which it could be furnished, is withheld. *I think it clearly my duty to reject the claim.*

"Having reached this conclusion, it is unnecessary to discuss the question whether the governor had authority to sell the lands of the Missions, or at least the orchards, vineyards,

and cultivated portions which, under the decree of the Supreme Government and the proclamation of Micheltorena, had been restored to the missionary priests." [9]

April 24th. "After the above Opinion was read, it was suggested to the Court, by the counsel for the claimants, that the deposition of José Matias Moreno, which was on file in the Case of T. O. Larkin vs. The United States, had been, by consent, admitted as evidence in this. The claim in the Case of Larkin vs. United States, is founded on the same grant as exhibited in this case and is for a part of the orchard.

"In the Opinion delivered in that case, the testimony of Moreno is adverted to as follows: 'Moreno testifies that the signatures of himself and Pico are genuine and affixed at the time the documents bear date, and that Pico signed them in his presence. He also swears that the documents are in the handwriting of Castañeda; that he saw him write them; that they were written under his (witness's) directions, as he was much occupied with official duties.'

"It is enough to say with respect to this statement that it is abundantly proved by the testimony of Gen. Castro, Benito Días, Luis Arénas, and Cayetano Arénas, that Castañeda could not have been at Santa Barbara on either the 30th of June or 2nd of July, the days on which the documents are dated.

"The statement of Cayetano Arénas, the chief witness for the claimants is wholly incompatible with the idea that Castañeda could have been at Santa Barbara and written the grant by Moreno's directions.[10]

"Arénas states that the governor sent the grant to him 'with instructions to retain it *until Castañeda came from the upper country.*' [11] It cannot surely be pretended that at that time Castañeda was with the governor writing out the grant and receipt, and delivering the articles mentioned in the latter.

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[9] Italics are ours.

[10] See in corroboration Halleck's findings, pp. 726-727.

[11] The italics are in the printed copy.

"The testimony of Moreno, therefore, entirely fails to afford that satisfactory explanation of the circumstances which the Court is entitled to expect. It has only served to confirm me in the opinion already expressed as to the merits of the claim."

* * * *

The third and last case was decided on higher grounds. A synopsis will suffice for our purpose. It is Land Commission Case No. 754, and U. S. District Court, Northern District of California, Case No. 402. "Orchard of Santa Clara." Thomas O. Larkin vs. The United States. The Opinion delivered by His Honor, Judge Ogden Hoffman, is as follows:

"The claim in this case is founded on the alleged grant to Castañeda, Arénas and Días, the merits of which were considered in the Case of Redman vs. The U. S. The testimony in the two cases is nearly identical, except that in this the depositions of John Forster and José Matias Moreno have been taken.

"John Forster swears to the genuineness of Pio Pico's and Moreno's signatures. . . . The allegation on the part of the United States is, that the signatures were affixed after the conquest of the country. . . . The testimony of Moreno taken in this case [12] has confirmed me in the views expressed in that Opinion, as to the character of this claim. . . . In the absence of all proof from the archives, of all evidence of a possession under the former government, and of all explanation from the governor as to the circumstances under which he made the grant or the payment of the consideration, I incline to think it would be the duty of the Court, even if the depositions referred to be excluded, to reject the claim.

"But it is objected on the part of the United States that, assuming the grant to have been executed on the day it is dated, and for the consideration mentioned in it or shown by the receipt, it is void for want of power in the governor to make it.

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[12] See preceding page.

"The general right of the Governor of California to grant vacant lands formerly pertaining to the Missions, is not disputed. It is urged, however, that the exercise of this right was, at the time of making this grant, expressly prohibited by the Supreme Government. This prohibition is supposed to be contained in the official note: 'Ministry of Justice and Public Instruction. Most Excellent Sir: His Excellency, the President, has received information that the Government of Your Department has ordered to be put up at public sale all the property pertaining to the Missions *which your predecessor had ordered to be returned* to the respective missionaries for the direction and administration of their temporalities. Therefore, he has thought proper to direct me to say that the said government will report upon these particulars, suspending thereupon all proceedings respecting the alienation of the before-mentioned property until the determination of the Supreme Government. I have the honor to communicate it to Your Excellency for the purposes indicated, protesting to you my consideration and esteem. God and Liberty. Mexico, November 14th, 1845.—Montesdeoca.—To His Excellency the Governor of the Department of the Californias.'

"The effect of this instrument upon the power of the governor is the question to be examined. The official note above quoted unquestionably enjoins a suspension of all further proceedings as to the property referred to. But what property does it refer to? The document itself states 'The property which your predecessor had ordered to be returned to the respective missionaries for the direction and administration of their temporalities.' . . . The inquiry then is, what property had Micheltorena ordered to be returned to the Missions? The order of Micheltorena is contained in his proclamation, dated March 29th, 1843. . . .

"The first article of Micheltorena's proclamation declares that the government will order the Missions of San Diego, etc.,[13] to be delivered up to the Rev. Pádres. . . . It is evident that the proclamation was made in pursuance of the

[13] See pp. 272-276.

President's decree of November 17th, 1840. This decree was issued on the petition of the Bishop of the Californias.[14] In that petition the Bishop . . . insists that the houses, orchards, gardens, etc., be restored to the Fathers. It may therefore very possibly be that the restoration ordered by Micheltorena was only that of the houses, orchards, gardens, etc. . . . It is possible, however, that the intention of Gov. Micheltorena was not merely to restore the houses, orchards, etc., to the Fathers, but by placing all the lands of the Missions under their administration, and subjecting the Indians to tutelage, to collect and protect that dispersed and oppressed people. . . .

"On the 28th of May, 1845, a decree was passed by the Assembly, directing the sale of certain of the Missions. . . . Gov. Pio Pico, October 28th, 1845, issued regulations for renting and alienation of the Missions. . . . On March 30th, 1846, the Assembly made a decree authorizing the government to carry into effect the decree of the 28th of May last. . . . The Assembly does not at this time seem to have been aware of the order signed 'Montesdeóca,' which was issued in November preceding—for we find from their records that on the 15th of April that order was officially communicated to them by the governor. . . .

"It is not easy to perceive from what source the Assembly derived the power they thus attempted to exercise. By the Mexican Constitution of 1843, the powers of the Assembly under the colonization laws were preserved—and those laws were required to be observed. But by the colonization laws, their powers were confined to approving or disapproving the concessions made by the governor; nor have I been able to discover whence they derived the authority to increase the powers of that officer, or to authorize sales or grants by him, which, under the colonization laws in force, he had otherwise no authority to make. Such seems to have been subsequently their own view; for on the 31st of October, 1846, an act was passed declaring void the sales of the Missions made

[14] See pp. 209-212.

by Pio Pico as governor, as well as all other acts done by him without authority. . . .

"It is probable, therefore, that this decree (May 28th, 1845,) occasioned the order of November 14th, 1845, from the Supreme Government, by which all further proceedings were suspended, and it would seem that the Supreme Government interposed at the earliest moment to prevent the Governor and Assembly from carrying out the designs which their decree and the governor's proclamation indicated.

"It is most probable that the Montesdeoca document merely intended to suspend or annul that portion of the laws of 1833 and 1834, which related to the 'property'[15] of the Missions, and not to interfere with the disposition of the vacant lands adjacent to them. . . .

"The fact that Alvarado and Micheltorena continued to grant vacant lands belonging to the Missions without, so far as appears, objection from any quarter, strongly corroborates this view, and it was only when by its decree of May 28th, 1845, the Departmental Assembly proposed to sell or lease the entire property of the Missions that the order to suspend proceedings was issued.

"The claim of Bishop Alemany for the Church lands before the Board, only embraced the churches, orchards, vineyards, cemeteries, curates' houses, etc. The vacant Mission lands are not included, . . . and this claim is in strict conformity with that which we have seen was alone insisted on by the Bishop in his petition to the President in 1840. We have thus the practical construction given to these laws by both the Government and the missionaries.

"But admitting, for the sake of argument, the governor's authority to grant, under the colonization laws, the vacant lands formerly included within the limits of the missionary establishments, it seems equally clear that under the law of 1835, the order of 1840, on the petition of the Bishop, the

[15] "Los Bienes pertenecientes á las Misiones."—"It would seem to refer to those cultivated lands, orchards, etc., and other appurtenances, such as houses, workshops, utensils, etc." Judge Hoffman, Opinion, page 34.

proclamation of Micheltorena and the order of 1845, signed 'Montesdeoca,' *he was without authority to grant the orchards, vineyards, workshops, buildings, etc., which the labor of the Fathers had created, and to the enjoyment of which, as urged by the Bishop, they had a just and undeniable claim.*

"Adopting, then, the more limited construction of Micheltorena's proclamation and the Montesdeoca document, it is evident that the governor had no right to make a sale such as that alleged in this case, viz: an orchard planted by the priests, contiguous to the missionary buildings, and of which they had long previously been in the enjoyment. . . .

"But the grant produced refers for the authority of the governor to a decree of the Assembly of the 13th of April, 1846. I have not been able to discover what decree of the Departmental Assembly is here alluded to; none of that day has been produced, nor is any such found in the records of the proceedings of that body.

"It is urged, however, that the order contained in the Montesdeoca document was revoked by the communication signed 'Tórnel,' and addressed to the Commandant General of the Californias, under date of March 10th, 1846. With reference to this document, it is to be observed that it appears to be a circular addressed to the Commandant General of California, among other functionaries. . . .[16]

"From the foregoing it follows that, admitting the governor's right to grant the vacant lands of the Missions, or even to sell them, as to which latter I express no opinion, it is nevertheless clear that he had no authority either to grant or sell the vineyards, orchards, cemeteries, mission buildings, etc., which, on the petition of the Bishop, had been recognized by the President as belonging to the Fathers,[17] which had been restored to them by Micheltorena, and the sale of which, under the Assembly decree of May 28th, 1845, the Supreme Government had promptly interposed to prevent.

"If these views be correct, the claim must be rejected for want of authority in the governor to make the grant."

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[16] Italics are ours.

[17] rather to the Church, as the Franciscans could not own property.

# APPENDIX

## A.

### Vallejo and Fr. Durán.

(To Page 97.)

Vallejo's unworthy treatment of the venerable Fr. Presidente Narciso Durán would have been allowed to sink into oblivion as the thoughtless act of an ill-mannered youth, who at mature age heartily regretted his insolence, had we not discovered that Don Mariano forty years later gloated over the incident, and sought to justify his boorishness by making serious charges against the same Fr. Durán. Close examination of Vallejo's sayings and doings reveals, what was clear to us from the beginning, though till lately we lacked documentary proof, that a deeper reason for his animosity towards the missionaries in general and Fr. Durán in particular existed, and that this was shared by his fellow conspirators against the missions, in reality lay at the bottom of mission spoliation. Before we proceed to expose this mainspring of anti-mission activity, we shall permit Vallejo to describe what occurred on occasion of Fr. Durán's errand of mercy.

"Having learned," Don Mariano relates at the age of nearly seventy years, "that Castillero had been snubbed" (for interceding in behalf of the incarcerated José de la Guerra), "they applied to the Rev. Father Durán, Presidente of the Missions. Without delay this Rev. Prelate—plump and sleek as an ox fattened for the slaughter (gordo cual buey de pascua)—alighted from his carriage. Leaning upon his stick, he ascended the stairs, which led to my office. He wanted to enter without having himself announced; but the 'Back' of the sentinel detained him until the officer of the guard, who had come to inform me of his arrival, notified him that I would receive him.

"The Rev. Prelate at length entered and saluted. After looking around for a chair, and seeing nothing that even resembled a chair, he remained standing; (pero nada vió que siquiera á silleta se pareciese; quedóse pues de pie el Rev. P. Durán); for, to prevent loiterers from assembling in public offices, as had been the custom, I had left in my office only two chairs, one for my use

and the other for my secretary. I saluted the Rev. Fr. Durán, and asked him what he might want. 'Comandante-General,' his Reverence said to me, 'it has come to my knowledge that Your Honor has put under arrest, and detains in his own house, the retired Captain Don José de la Guerra y Noriega. I am an intimate friend of that upright citizen and loyal soldier. I know the services he has rendered to the holy cause of Religion, to Spain, and to California. I regard it a credit to appear in his behalf before Your Honor whose youth may, perhaps, not permit you to realize the commotion in which you will be involved, should you not treat with more consideration a personage beloved by all the people and respected by the clergy.' Señor Ministro, I cut him short, when I gave orders that Your Reverence might be permitted to enter my office, I thought you had come to discuss some point concerning the Indians or the Church. In that case I would have been very much pleased to lend you an attentive ear, and to make use of my power to contribute to improve the situation of the former and to add lustre to the other; but, since Your Reverence forgets your sacred calling, I, who regard myself competent to decide respecting the line of conduct expedient for me to follow, and sufficiently strong to enforce and execute my orders, inform you that you may retire; for, though respectful to the mandates of holy Mother Church (aunque respetuoso á los mandatos de la Santa Madre Iglesia), I cannot permit the Ministers of the Altar to meddle with matters pertaining to military service. I then saluted the Rev. Fr. Durán; he returned the salute, and went to the street very much disappointed; for not even in his dreams could it have occurred to him that his intervention would not be duly considered." (Vallejo, "Historia," iii, 405-406.)

As a matter of course, neither Fr. Durán nor Vallejo used said language. Vallejo was dictating from memory, and for the purpose of impressing Bancroft, with whom and his class the insufferably vain and conceited Don Mariano expected to win applause. Nor did Fr. Durán forget his position. Rather, he was strictly in line with his calling as a minister of peace. From time immemorial the ministers of Religion have interceded for the imprisoned. The Pope has just now performed the same office with the warring powers of Europe in behalf of wounded prisoners. Not one of them, not even the Turkish and Japanese rulers, resented the proposition.

Furthermore, Fr. Durán was an aged man suffering from gout, for which reason he had to use a stick. He was also the highest ecclesiastical dignitary in the territory. Don Mariano counted only twenty-eight years. If a gentleman, Vallejo would have offered his own chair to the infirm old man. Instead, even before he knew

the object of the visit, he chose to act the ill-bred boor. Forty years after the occurrence, when dictating the so-called "Historia" to Bancroft's scribe, it dawned upon Don Mariano that his behavior on that occasion might not receive the approval of people of refinement to which class he claimed to belong. He accordingly proceeded to exonerate himself in this fashion:

"I am not, nor have I ever been, an enemy of the clergy"; (magnanimous, truly, just as if the common soldier would loftily declare: "I am not, and have never been an enemy of the officers!") "for, educated" (for this "education" see vol. iii, pp. 6; 317; and Appendix B.) "in the Catholic, Roman, Apostolic Religion," (no wonder Bancroft had such a queer opinion of the Catholic Church, when he found Mariano Vallejo declaring himself a member!) "I have learned since my boyhood to show respect to the Ministers of God," (for the confirmation see vol. iii, this work, pp. 257; 301; 368; 370-373; 459-462; 557; 581-589; 592-595, and throughout the present volume, notably pp. 248-250) "many of whom I have loved like fathers; for, having been witness to their heroic efforts and abnegation, I could do no less than highly appreciate their eminent qualities. The Rev. Fr. Durán, however, though a wise, pious, and good man, on one occasion had gone out of the orbit of his good qualities by ordering Fr. Esténaga to proceed to San Francisco and burn my library, which had been collected at the cost of immense sacrifices (habia ordenado al P. Esténaga que procediese á San Francisco y quemase mi libreria reunida á costa de inmensos sacrificios). I could never forget that offense against enlightenment, and it was the reason why I treated him somewhat harshly." (Vallejo, "Historia," Ms., iii, 407.)

It is rather strange that Vallejo should have waited forty years before raising this accusation. If his "library" was burned, it must have occurred between 1830 and the spring of 1833, when the valiant Ensign Mariano Vallejo was stationed at the presidio of San Francisco and Fr. Esténaga attended Mission Dolores; for, after that period, Fr. Esténaga moved to San Gabriel and Vallejo was transferred to Sonoma. If the said "library" had been burned in consequence of such an order from Fr. Durán, Vallejo would have immediately reported to Governor Figueroa, who would have involved the two Fathers in no end of troubles. It would have been a splendid opportunity for the "enlightened" Don Mariano to shine as a student and friend of intellectual progress. At least, some trace of the case would have been left in the documents. None is to be found anywhere, not even in Vallejo's own collection. The story appears to have been too stupid for Bancroft himself, since he disdained to use it. If we nevertheless take up the yarn, it is because it helps to put the reader on the trail of the real

causes that wrought the destruction of the missions, and at the same time exposes the true character of the paisano chiefs, notably of Mariano Vallejo, with whom originated the wildest and most wicked calumnies circulated about the missionaries by unscrupulous closet-historians, dreamy novelists, and sensational magazine writers.

Perhaps the "library" was not burned, and Vallejo only means that an order to that effect had been given but failed of execution? Even the attempt would have been heralded abroad by the lover of enlightenment. However, where did Don Mariano learn that Fr. Durán issued such an order? and why should the venerable Fr. Presidente want to destroy Vallejo's costly "library"? All this is queer evidence of Don Mariano's "respect for the Ministers of God," and more remarkable proof that he was "educated in the Catholic, Apostolic, Roman Religion," which absolutely forbids wilful destruction of private or public property, as well as the more wicked crime of calumny.

Setting aside, for the moment, this question about Vallejo's "library," let us search for the real cause of Don Mariano's insolent behavior towards the aged Fr. Presidente; for there certainly was a reason other than the one alleged, which the inveterate prevaricator wished to conceal. We believe it has been discovered. Fr. Durán actually did offend the haughty Don Guadalupe, and it was through "meddling" with the military service, too. Under date of July 16th, 1833, while making the canonical visitation in the south, Fr. Durán from Mission San Diego wrote to Governor Figueroa, then at the presidio of San Diego: "By the mail which just arrived I have received a letter in which I am told that the soldier of the guard, José de Jesus Mesa, who accompanied me from San José to San Luis Rey, and to San Gabriel, has been declared a deserter by Ensign Vallejo, who has condemned him to serve two years more, notwithstanding that he had his license . . . Inasmuch as this action is a reflection on me, I implore the favor, friendship, and goodness of Your Honor, and supplicate you to have the kindness of commanding that said soldier Mesa be relieved of the stigma and the chastisement of desertion, and that he suffer no damage whatever for having accompanied a missionary to his destination . . ." ("Archbishop Archives," no. 2150.) According to Spanish laws, it will be remembered, the military had to provide a guard for the traveling missionary, and the latter was not permitted to go abroad without such guard.

Governor Figueroa must have granted the Fr. Presidente's request; for three days later, July 19th, 1833, Fr. Durán wrote to him: "I give Your Honor due thanks for the protection you propose to

extend to the poor soldier José de Jesus Mesa." ("Archb. Arch.," no. 2151.)

This little mortification, and the reversal about the same time of another sentence (see vol. iii, 462-463), the proud Don Mariano doubtless remembered when Fr. Durán desired to intercede in behalf of his old friend José de la Guerra. These facts afforded no opportunity to shine as a man of culture and enlightenment (hombre ilustrado), Vallejo, at the age of seventy no less vain than at twenty-five, therefore substituted the silly story of the burning of his "library," the extent and composition of which we shall now try to ascertain in order to solve the mystery of paisano hostility to the missionaries and their missions.

We discover a clue in the fact that Fr. Durán, as Presidente of the Missions, held the office of vicar forane to the Bishop of Sonora. In that capacity, especially under Spanish law, he had authority to confiscate all books and prints that militated against Christian morals and Christian Faith, notably the works of the French Encyclopedists, which since the Mexican independence were smuggled into the territory for the purpose of corrupting the morals of the youth and alienating them from their inherited Christian Faith. In this way designing men hoped to succeed in their schemes for enriching themselves at the expense of the Mission Indians; for already covetous eyes had been cast upon the fertile fields and numerous herds belonging to the neophytes under the solicitous care of the Franciscan friars. The infidel productions that proved most effective in turning the heads of the poorly instructed young Californians, as well as of unguarded people everywhere, from the fear of God, and which had therefore been proscribed, were those of Rousseau and, especially, of the blasphemous and filthy scoffer Voltaire. Unhappily, the Mexican and paisano youths were too poorly instructed in Religion and Christian morality, (for the reasons see vol. iii, Appendix B), so that "the very danger incurred by the study of these [prohibited] books, and the secrecy with which of necessity they were perused, only served to intensify insurrectionary ideas and provoke conspiracy." (Bancroft, "Mexico," iv, p. 18.)

Always eager to shine as an **hombre de ilustracion,** as a man of superior education, Vallejo loftily discusses his "library," which he claimed to have possessed at the age of only twenty-five years. Had he enumerated the books, the extent of his enlightenment would scarcely have impressed as much as he desired; for it would have been discovered that the "library" consisted of little or nothing more than a few Spanish copies of Rousseau and Voltaire, besides an innocent copy of Bishop Fenelon's "Telemaque," which Alvarado made Hittell believe was likewise forbidden "under pain.

of excommunication." In short, it would be evident that in this matter, as in many other things, Don Mariano deserved the term "windbag" applied to him, and that his claim of being "respectful to the mandates of holy Mother Church" was unfounded. If Fr. Esténaga, as pastor, demanded that Vallejo destroy the blasphemous and immoral works named, or deliver them to the Father Presidente, and Vallejo then declares that his "library" was ordered burned, it follows that Don Mariano either lied, or that his "library" consisted of only said immoral and anti-Christian works which no Catholic, nor any other decent Christian, would leave within the reach of his family or innocent youths.

Although in this connection Vallejo would not reveal the character of his books, he betrayed himself somewhat earlier in the "Historia." We reproduce the tale as dictated by Don Mariano in his volume iii, pp. 112-118. The reader will observe at once that Mariano Vallejo could not have been thoroughly "educated in the Catholic, Apostolic, Roman Religion," since he employs the flippant language of the scoffer Voltaire. "I and my friends," Vallejo dictates, and he never forgets that to Vallejo belongs the first place, "had made every effort and sacrifice, but our plans failed on account of the vigilance of the missionaries, who—**like Don Pedro (according to popular belief) in the celestial paradise prevents the entry of sinners**—in the ports, coves, and roadsteads of California watched that no books written with liberal tendencies were landed. At last, fortune favored me. I succeeded in becoming the possessor of the coveted "mentors," and my soul was covered with joy and satisfaction. Quickly I sent to Monterey a special messenger who was the bearer of a letter from me to Don Juan B. Alvarado and José Castro, in which I announced to these good and loyal friends that I had a library which was at their service. When Castro learned that now in our keeping were the means of educating ourselves, he without loss of time ordered his horse saddled, and came to San Francisco. He inspected our 'bonanza,' (for, although I paid for the 'library,' it belonged to Castro and Alvarado equally as well as to me), and when he returned to Monterey, he took along some of the books for his use and for Alvarado."

Such is the pathetic story of how Don Mariano's hunger for knowledge was satisfied stealthily; for every harbor, cove, and roadstead, so Vallejo solemnly avers, was guarded by the wicked and benighted missionaries against the introduction of learning. It will be observed that at this period the Fathers could not expect assistance from civil or military authorities; that the missionaries, aged and infirm as most of them were or burdened with cares, could not personally have undertaken to watch every port, cove

and roadstead; that they had no means to hire others to do so; and that in fact there is not the slightest evidence extant that they ever did so even under Spanish rule. Moreover, books and papers of every description were entering the territory freely, so that no one complained of not being able to educate himself. The only books proscribed for Catholics, then as now, were those of immoral and anti-Christian tendencies, such as Rousseau and Voltaire, which Vallejo is pleased to conceal under the term "liberal." In Mexico, infidel France and Portugal, indeed, this sort of liberalism is nothing but disguised rabid Voltairianism. In Mexico, under Carranza and Villa, the disguise has been thrown away. What now appears in full view is nothing but savagery and animalism: direct offsprings of Voltaire's doctrines. It was because of this emancipation from every moral and religious restraint held out to the unwary and poorly instructed youths through the products of French infidelity, that the works of Voltaire, especially, appealed to Vallejo and his kind. So we have now reached the pass from where we can judge the extent of Vallejo's costly "library" very well. If any doubt could remain, as to whose disciple Vallejo was, the following extract from the mouthings of Don Mariano should convince the most obtuse. "Ex ore tuo te judico, serve nequam!" (Luke xix, 22.) "nam et loquela tua manifestum te facit." (Matt. xxvi, 73.)

"It so happened that just then José Castro had a sweetheart, who, according to the custom of benighted people, confessed very frequently; and then she would recount to her Father Confessor not only her own sins, but likewise those of her lover (que, segun la costumbre de la gentes poco expertas, se confesaba muy amenudo, y solia contar á su Padre confesor no solo sus pecados sino tambien los de su amante). This sweetheart of José Castro confessed to Fr. Esténaga that Castro possessed prohibited books, and that he read them late into the night, and that Vallejo had many more. Without further ado Fr. Esténega went straight to the office of his Superior, and imparted to him all that the sweetheart of José Castro had told him. His Reverence without further examination launched a decree of minor excommunication against José Castro, Juan B. Alvarado, and Mariano G. Vallejo. This ecclesiastical thunderbolt was published in all the twenty-one Missions of Upper California. The faithful and female devotees were threatened with like punishment if they had any friendly intercourse with these excommunicated."

This contemptible display of Voltairian malice, for it could not have been ignorance, was too much for even the infidel Bancroft; for, though he paid for writing down the story, he disdained to utilize it in the History. Vallejo claimed to be a member of the

"Catholic, Apostolic, Roman Religion"; so was one Judas a member of the Apostolic College; Don Vallejo, too, was quite willing to sell his Church, not for the silver, but for the sake of the prestige the betrayal would win for him with Bancroft, and all those to whom Bancroft would communicate it through his books, as a man independent and emancipated of all "priestly shackles."

What possessed Vallejo to declare, and how did he know, that, when they received the Sacrament of Penance, otherwise known as Confession, Catholic girls are accustomed to tell the sins of others besides their own? We know why libertines hate the confessional. The diabolical bandits terrorizing poor Mexico at this moment are offering object lessons in abundance. Experience and history demonstrate that, so long as they avail themselves of the Sacrament of Penance, girls and women are safe from the wiles of such libertines. Had Mariano Vallejo experienced as much? At all events, had Don Mariano frequented the confessional, as do all Catholics, from the Pope down to the child of six, for the purpose of assuring themselves of divine forgiveness for daily trespasses, Vallejo would not have turned out to be such an unscrupulous prevaricator. He would have eschewed immoral and anti-Christian works, and then Bancroft would not have been able to write of the private life of Mariano Vallejo what is to be found in "California," v, 759.

Furthermore, is it stupid ignorance or Voltarian malice that prompted Don Mariano to charge Fr. Esténaga with straightway communicating to his Superior what he supposes Castro's sweetheart to have told in the confessional? Vallejo must have known, what every Catholic child knows and therefore never fears exposure, what Bancroft himself knew, that a Catholic priest must allow himself to be torn to pieces rather than reveal what has been related in the confessional. No wonder Bancroft manifests such deep contempt for the veracity of Don Mariano.

Finally, as a matter of course, since Vallejo's story is pure fiction, Fr. Durán could not have issued either minor or major excommunication against the three silly youths, much less have it announced in all the twenty-one Missions. Minor excommunications, whatever Vallejo means by it, were not published at all. In the whole history of California no decree of excommunication, or exclusion from the Church, was ever published at all the twenty-one Missions against any particular person. The conceited Don Mariano merely wanted to impress it upon Bancroft and his readers that the Catholic priesthood ever stands ready to hurl the thunderbolt of excommunication, (popularly supposed to be a long string of frightful curses, whereas it means nothing more than expulsion from the community of the faithful,) against recalci-

trant members in search of enlightenment; but that he, Don Mariano Guadalupe Vallejo, the brave commander-general, could not be frightened into subjection. Vallejo might aptly be called the Don Quixote of California. As Sir Muenchhausen he needs no introduction.

"Three weeks after the events I have narrated,"—Vallejo continues, and thereby rewards our search for the nature of his "library,"—"Juan B. Alvarado returned from the City of Los Angeles bringing with him a great amount of money which had been entrusted to him in that city so that he might deliver it into the hands of the Rev. Fr. Durán. The latter, when the neophyte Indians, who served him, announced that a gentleman with money for his Reverence had arrived, delayed not to show himself. Seeing himself face to face with the Minister of the Altar, who had excommunicated him, Alvarado, assuming a half serious and half jocose tone, said to him: 'I carry with me for Your Reverence several thousand dollars, which in the name of Señor Carter, captain of the bark "Louisa," were entrusted to me in the City of Los Angeles by the agent of Spence and Malarin, representatives of the owners of the bark "Louisa"; but inasmuch as I am excommunicated, and the Rev. Fr. Vicente de Sarría has preached from the pulpit that all persons who speak to me incur the same punishment, I do not know what to do with the money; for having given a receipt for the whole amount entrusted to me in order to insure security, I cannot leave the money without a corresponding receipt.' His Rev. interlocutor listened to the end, and then, after some moments used in reflecting, seeing that Alvarado prepared to leave the office and take away again the money which he had brought, Fr. Durán intimated that he should not go away; that he had the faculty to raise the excommunication resting upon him and his friends, and that Fr. Sarría had erred in confounding minor with major excommunication.

"When Alvarado heard this he drew from his pocket 'Telemaque,' which was one of the books I had sent to him. He gave it to Fr. Durán, telling him to examine it closely, and to assure himself that the little work contained not a single chapter that would clash with sound morals. His Reverence replied that he could proffer nothing against 'Telemaque'; but that he knew that he (Alvarado) and likewise Castro, were reading Rousseau, Voltaire, and some other books written in an anti-Catholic spirit. He had considered it his duty to warn them betimes lest their souls be perverted; but taking into account that both, Alvarado and Castro, were the sons of heroic fathers, who ever since the beginning of the century had suffered together with the missionaries, etc., he at the same time annulled the decree of excommunication

leveled against Castro, Vallejo and Alvarado, and granted them permission to continue reading all kinds of books. The only restriction he imposed upon them was that they should not allow Rousseau and Voltaire to reach the hands of persons of limited intelligence, because the reading of them would undoubtedly endanger their religious sentiments." (Vallejo, "Historia," Ms., iii, 114-118.)

The "Louisa" touched California only once. That was in 1831, when she arrived from Honolulu to stop at Monterey and San Francisco. Her captain was not Señor Carter, but G. Wood, and the owner called himself J. C. Jones. Why Spence and Malarin, or the captain and the owner, should want to make payment to Fr. Durán by way of distant Los Angeles rather than directly to Mission San José, less than a hundred miles away, sounds unintelligible. Perhaps the alleged meeting took place at Santa Barbara where Fr. Durán took up his residence after March 1833; but the "Louisa" never came to California after 1831, much less under Captain Carter. Vallejo might have revealed for what the several thousand dollars were to be paid to Fr. Durán. There are other discrepancies, which may pass unnoticed here. Evidently the whole story was concocted to glorify Don Mariano, and to show that the Fr. Prefecto could be influenced with money to betray his trust. Such a charge is worthy of Mariano Vallejo, but strange evidence of his "respect for the Ministers of the Altar."

The one point of importance in the malicious recital, and that is what we desired to establish through Don Mariano himself, is the confession that he, Alvarado and Castro possessed a "library" in common, which entirely, or chiefly, consisted of the justly proscribed works of the wicked Voltaire and Rousseau. The style adopted by these three, with Pio Pico and Juan Bandini, in their speeches and proclamations, as well as their private and public conduct, justified the conclusion that these mission despoilers had, in effect, set aside the Ten Commandments of God and the Precepts of their Church, in order to follow the principles enunciated by the said French infidels. Only then could they regard the Missions as their legitimate booty.

Vallejo's claim that Fr. Durán granted to those green youths a general permit to continue the reading of said books, and all kinds of books (toda clase de libros), is of course a fabrication. Fr. Durán could not grant such a license even to himself.

## B.

### Alvarado and Fr. Durán.

(To pages 61, 236, 268.)

Alvarado, like his fellow conspirators against the missions, might have greatly assisted in spreading and confirming Christianity among the natives of California. He preferred to contribute towards its destruction. What the principles were that guided him and his companions in the crime, we have learned from the revelations of Mariano Vallejo. They may also be inferred from Alvarado's own narrative, as taken down by Bancroft and collected in five volumes under the title of "Historia de California." Its reliability is of a piece with Vallejo's "Historia," worthless unless corroborated by documentary evidence. The following extract is a sample of the drivel filling the five volumes. It sounds exactly like the effusions of Carranza, Villa & Co., who at present are tyrannizing poor Mexico.

"Experience has taught me," Alvarado dictated, "that when the Mexican clergy considered itself aggravated, public peace ran a grave risk of being disturbed; for of all the revolutionists, who within twenty-five years" (so from about 1850) "have disturbed the tranquillity of the Mexican Republic, none were more terrible than those conspirators in the cassock, who from the recess of the confessional put in motion the battalions and squadrons, and transformed industrious laborers into bloody guerrillas."

Experience and history tell just the reverse. Those who frequent the confessional never take part in revolts against lawful authority. The "conspirators in the cassock" (this and similar expressions indicate the kind of literature on which Alvarado fed his mind), as he calls the priests of the Church in which he wrongfully claimed membership, from the "recess of the confessional" keep the faithful in line with the Commandments of God. If what Alvarado alleges were true, revolutionists would applaud the "conspirators of the cassock in the recess of the confessional"; but, because the Tribunal of Penance, for such is the confessional with Catholics, prevents the faithful from being ensnared into joining the ranks of ambitious and disloyal demagogues, and frustrates the designs of libertines on innocent or penitent souls, said confessional is decried, and the priests are defamed. Can any one in his senses believe that the bandits in Mexico or their dupes, frequented the Tribunal of Penance? It is certain that in California no revolts could have occurred, if the Alvarados, Vallejos, Picos, Castros, Bandinis, etc., had approached the Sacrament of Penance, in other

words, if they had regularly entered the confessional. In that case, too, the Indian missions would have been regarded as inviolably sacred to Religion. However, Alvarado was talking for effect to Bancroft's man, and only proved that with Mariano Vallejo he had been an apt pupil in Voltaire's school of calumny and vilification.

"I was animated with the desire to please the friars," Alvarado continues; "and, in order to protect all the endangered interests, I named for inspector-general of the missions Don William Hartnell, a person of pronounced clerical (!) sympathies; but, notwithstanding my good intentions demonstrated in a manner so evident, various missionaries, who were constitutionally discontented and irreconcilable, from the pulpit preached virulent sermons attacking my administration. This conduct was reported to me. Desirous of preventing sedition, and for the sake of infusing alarm, I commanded all the prefects, subprefects, and other civil officials attached to the missionary establishments, that, as soon as they heard a sermon depreciating the authority of the department, (i. e. Alvarado's), they should bring it to my notice."

So a regular spy system was inaugurated, such as was common in Mexico when we visited that country in 1905. Whilst we were there, a priest was sentenced to six months in jail for some expressions which some officious complainant pretended to think obnoxious. Though the judge found it difficult to discover guilt, sentence was pronounced, as a warning perhaps that under "liberalism" there is no freedom for the preaching of the Gospel and the Ten Commandments. Of course, the henchmen of Alvarado watched the California friars in vain. Something had to be reported, however; and something was reported. Let us hear Alvarado's version.

"In conformity with my command, the prefect of the second district (Los Angeles), Don Santiago Argüello, ordered me to be notified that he had seen a letter (!) which Fr. Durán, Presidente of the Missions of the South, had addressed to the Rev. Fr. Thomás Esténaga, missionary at San Gabriel" (hence a private letter of a Superior to his subject), "in which said Fr. Durán alluded to my person in terms that were not decorous. Knowing the great esteem which Fr. Durán enjoyed, and suspicious that he was about to undo the good which had been effected in 1836" (through the confiscation of the missions!), "I resolved to call him to order, and for that purpose wrote the following letter:

"Muy Señor Mio.—I never believed that I should have such a just reason for addressing a letter to you as on this occasion, nor did I think I should have to occupy myself with a subject so odious and of such consequences; but you have provoked me to do

so, and for that reason you are already a criminal, (por ese motivo ya es Ud. un criminal). You are such equally so for having on January 5th addressed to Fr. Thomás Esténaga a letter which is full of contemptuous reproaches and insults against my person. Your object was that it should circulate by means of the subordinate authorities of the government, and, after having been thus first published, it should be delivered to me. Your black desires have been accomplished. At this moment I have a copy of the letter. Defied by you to go into a matter, for which you will have to repent very soon, my honor and the authority which I exercise compel me to protest to you against the insults which in both cases you have inflicted upon me by your threatening letter, in that you fulminated sentence as though I were a suckling infant whom it is easy to surprise and frighten.

"Speaking of the missions you say that, perhaps, I count upon the support of the foreigners to maintain obedience to the orders concerning the transfer of the missions, and thereupon you regard me as one of the first victims in case the foreigners take possession of the country. I do not doubt that this last is your intention, inasmuch as you are likewise a foreigner." (Fr. Durán had come to California three years before Alvarado was born, and had identified himself with the territory, not to speak of thirty-five years of missionary labors for the natives.) "Whence have you drawn that conclusion? It is the greatest offense you have inflicted upon me; nor shall I ever cease to demand satisfaction for it until I obtain it. If you knew through the Ministry of Mexico that orders had been issued for the transfer of the missions," (this refers to orders from the Supreme Government that Alvarado should restore the missions to the missionaries, commands which Governor Micheltorena later executed. See chapter v, section ii, this volume.) "why did you not address yourself to me at the time and officially, in order to ascertain whether or not such orders had been issued? I should then have told you that I had instructions to the contrary and more expedient for the country." (For this Alvarado offers no evidence. As early as 1836, Governor Chico had been directed to restore the missions to the management of the missionaries. Micheltorena also only executed commands to the same effect.) "Why should you be threatening me, and wishing something to happen to me that might have evil consequences? What do you want to convey with that bugaboo: So long as Señor Alvarado receives no heavy shock which will awaken him from the mental lethargy in which he is submerged? These are the wishes of your heart, the well-known predisposition against the authorities manifested at every turn. You pretend to be solicitous for the welfare of the Indians; you slander the government and keep the people

in a state of insubordination through the influence you think you possess over the more ignorant among them. Concerning this I shall not fail to act, as soon as I shall have in my hands the documents relating to the various things that have been shouted from the pulpit in the city of Los Angeles. Inasmuch as the result of such conduct is disobedience to the orders of the government, which is the chief by whom are sustained the pillars of the peace enjoyed in the department (territory) to-day, the greatest happiness which I am resolved to preserve even at the cost of my own life, as the object of the greatest interest for the conservation of public order, so warmly recommended by the Chief Magistrate of the Republic, and for which purpose I must avail myself of all the means at my disposal.

"O Narciso!" (Fr. Narciso Durán, head of the Church in California! Yet the upstart Alvarado raves about want of respect for his own person!) "I have a large spy-glass with which I can see what is going on at a distance. Do not believe me to be as sleepy as you imagine. It appears that you have been changed into a personal enemy of me and of my authority. I say this because your letter contains these two things. At other times you have wanted to try my patience. I was prudent enough to forget your offensive words; but you have abused my goodness and have not lost an opportunity to provoke me." (It would seem that Alvarado wrote in one of his drunken moods. For his sake we should have omitted the shameless letter, but the ex-governor took pride in dictating it to Bancroft thirty-five years later! Moreover, he had it spread all over California, as will appear presently. It must, therefore, be regarded as an official state paper.) "I am not Don Mariano Chico. Treat me with the respect which the dignity of the post I occupy deserves, and then I shall do the same to you. The contrary course means to precipitate me, and to cause you a damage the consequences of which will weigh upon your responsibility in this life and in the next. If I have taken no steps with regard to the [restoration of the] missions, it is because I have no orders to that effect. Do not believe that I shall proceed unless the Supreme Government expressly so commands. You want to have the public believe that I have such orders from the Government Ministry; and without ascertaining the truth, you proceed precipitately, without moderation, and without due regard, and hypocritically vociferate deprecations for the purpose of making the multitude believe it. Thus you sow distrust and discontent against the territorial authority.

"If you had addressed yourself to me with due civility, making judicious suggestions and observations without passing the limits of prudence and moderation, my conduct in this letter would have

been different; but you yourself hastened to travel over a thorny road which will never take you to a happy terminal. You are well aware that this is not the way to transact affairs pertaining to the government; nor will you ever thus reach the good understanding that should exist between authorities. I therefore advise you to abstain from such a line of conduct, which I must qualify as subversive of order." (Very modest of Alvarado. Fr. Durán, apart from his learning, experience and uniform courtesy, was sixty-five years of age, and universally esteemed. Alvarado counted thirty-two winters with little good sense or manners, as this letter demonstrates, and with little else to recommend him.)

"It seems to me excusable to remind you of the obligation you have to contribute to the public peace, and not to deviate one iota from this obligation; for you know this very well. If you do not avail yourself of the means at your disposal, at least endeavor not to meddle with anything that might prove prejudicial. Do not think it strange that this letter should come to the notice of those who saw yours; for you yourself have invited this punishment. I must never be made to figure as a toy or puppet of your caprice and cavils. Juan B. Alvarado, Monterey, 5 de Febrero, 1842." ("Historia de California," Ms., vol. iv, 182-186; Vallejo, "Documentos," xxxiii, 259-261; "Historia," Ms., vol. iv, 145-150.)

"This letter," Alvarado continues his narrative, "was by me turned over to the secretaries who made fifty copies of it. These I ordered distributed all over the territory under my jurisdiction, and when the messengers had returned, I sent the original to Fr. Durán." (p. 186.)

Alvarado's action created a sensation, as he expected; but the effect was contrary to his expectations. Mariano Vallejo himself felt disgusted, and probably voiced the sentiments of all, when he wrote: "The following letter (Alvarado's) I cannot but qualify as rude (aspera) when I stop to consider that it was directed to a Minister of the Altar already much advanced in age, and who was a man deserving much consideration at the hands of all Californians, who many times had been witnesses of his self-denial and Christian piety. I insert the letter in question without comment in order that my readers can form an exact idea of the manner with which the highest civil authority of the department treated missionary Fathers of recognized merit." (Vallejo, "Historia," iv, 145.) Vallejo, for the moment forgot his own treatment of the same venerable Fr. Durán and of the first Bishop; or did Don Mariano feel some shame at last?

The commotion aroused by his violent language, as Bancroft (iv, 331) styles it, must have induced Alvarado to offer some apology to the venerable Fr. Prefecto. It was in reply to this note that

he received the following lengthy communication: "Viva Jesus!—Santa Barbara April 26th, 1842. Señor Governor, Don J. B. Alvarado. My very dear Friend, Sir, and Lord.—Yesterday was for me one of the most favorable days; for it brought me your precious **letter of peace,** (su preciosa carta de paz), which has restored to me the peace and tranquillity of heart I had lost. In truth, I did think that, like a frail man, I might have committed some imprudence and indiscretion in my letter to Fr. Thomás Esténaga. Not recollecting well its contents, I asked him for the original letter in order to see where I had erred, so that I might make reparation, as I have always done whenever I discovered it. How can I express to you my surprise, when I scan the letter of February 5th, to which you refer, and find in it not even one syllable of that which caused you so much disgust, i. e., that I directed Fr. Thomás to forward the letter to you after it had first passed through the hands of subordinate officers and had thus been published. For your greater satisfaction I am ready to send you a certified copy, so that you may see with your own eyes that said communication contains not a syllable of what reached Don Santiago Argüello, much less the public.

"The letter contains nothing more than the unbosoming of private griefs of a prelate to a subject in a case where both suffer from the same cause. I cannot excuse Don Santiago Argüello for having, as individual and as officer, acted treacherously by substituting and stating what is not true. In this, certainly, he has not grown in my good opinion. Now that I realize it, I shall be careful not to trust myself to him. The mistake, or the malice, consists in stating or attributing to the first letter of February 5th what I said in the one of the 20th. In the latter, I copied for the Father what I had read in an official publication of the Government about Don Juan Roldan (Rowland), to whom a grant was made of La Puente, and that Don Santiago and some others had investigated whether or not said Roldan was or was not the one styled traitor by General Armijo in his report to the Government, in order that through him you might be notified. Don Santiago substituted this published news concerning a subject pertaining to public tranquillity for the private correspondence between prelate and subject who are affected by and interested in one and the same matter. I cannot but accuse that señor of having declared me guilty of disloyalty and treason, and that he is the cause of our past trouble. In future I shall avoid all correspondence with him, although I forgive him the evil he has done me.

"This evil has been so great, and I felt it so keenly, that I was most grievously tempted to read your first letter (of February 5th) to the people assembled at holy Mass, to bid farewell, and to

embark. I would surely have done so, had the two original letters been in my possession, in order to inform the public of all that obliged me to depart, something I would not do save for some public reasons. Thanks be to God! however, I subdued the temptation, and I have become quite calm. Nevertheless, I have observed certain indications which might have pointed to a public commotion whose consequences might have been heavy upon you." (This was the effect of Alvarado's insolent letter to Fr. Durán. It was fortunate that Fr. Durán had abstained from reading the unworthy missive to the people.) ". . . I believe that this with other things has caused here some prejudice against your person, a fact which I take the liberty of telling you in confidence as a friend, in conformity with the amicable desires which you manifest in your letter of peace."

Fr. Durán then goes on, at great length, to speak of land grants made by Alvarado, which it is our purpose to treat in connection with the respective missions in the local narrative.

"In conclusion," the Fr. Prefecto says, "although I have sometimes felt keenly some acts of your government concerning the giving-away of property belonging to the missions, I have never been your personal enemy. I have always felt a certain sympathy for you, which no degree of disgust was able to sweep aside . . . I wish you everything good and every happiness which I desire for myself." (Alvarado, "Historia," iv, 186-191.)

That Alvarado by means of his fifty copies of the Durán letter had aroused deep feeling against himself, not only at Santa Barbara, may be inferred from the tone of the remarks with which Vallejo touches the subject on another occasion. "I cannot," he says, "help condemning the first magistrate of the territory who, though he knew better than any one the valuable and important services which the Rev. Fr. Narciso Durán had rendered to our beloved California, yet treated him like a criminal and disturber of public order, simply because the venerable old man did not agree with his Excellency respecting the manner in which the distribution of neophyte Indian property should be made." ("Historia," iv, p. 163.)

How little capable Alvarado was of appreciating real men of worth, and how little he deserved the sympathy Fr. Durán extended to him, the ex-governor demonstrates in his "Historia," which teems with slander and vilification of the missionaries and with ridicule of things religious. Here is a sample, which affords a good view of Alvarado's character and Voltairian sentiments.

"The arrival in California of the two members of the Society of the Propagation of the Faith" (see vol. iii, 650-652, this series.) "served Fr. Durán as a pretext for relieving of some dollars the

native sons," ("sirvió al P. Durán de pretexto para arrancar algunos pesos á los hijos del pais") "who by means of well-arranged sermons were made to comprehend that, if they wanted to save their souls, they would have to contribute to the maintenance of the holy men, who in honor of our Lord Jesus Christ, and for the greater glory of His holy Church, went annually to preach the Gospel to the heretics (herejes) of China and Japan." (Fathers Bachelot and Short only went to the Sandwich Islands. Furthermore, missionaries did not go to China or Japan to convert heretics, but pagans. The circular which Fr. Durán issued in September, 1841, **four years after the Picpus Fathers had departed for the Sandwich Islands,** was in line with similar exhortations frequently addressed to the faithful in behalf of foreign missions. Alvarado had things mixed in his muddled brain. So he need not be taken seriously, not any more than his French infidel mentors on similar subjects.)

"The sermon of Fr. Durán sufficed to make the Barbareños give up a pile of **pesetas;** and the sermons of the missionaries at other points likewise were the cause that their parishioners gave money for investing in civilizing a part of the globe of which we had scarcely heard anything, and that at a time when there was great lack of coin among us, and five-sevenths of our Indians scarcely knew the Christian doctrine. Those sermons in favor of the Propagation of the Faith produced two thousand dollars, of which amount the little pueblo (pequeño pueblo) of Santa Barbara gave more than one-half. This was quite natural, because in that town resided the síndico procurador of the missions and many foreign merchants, who came to do business with the friars whom they endeavored to captivate by contributing to the causes and persons favored by Mother Church.

"Before proceeding to another subject, I will say that, notwithstanding that it is well known that in the churches money was collected to aid the members of the Propagation of the Faith, I cannot give assurance that the money collected for that purpose was employed according to the intention of the generous contributors; for, whenever the missionary Fathers asked for money for some cause which they favored, they placed a table at the door of the church. On this table they put a large plate. Back of the plate sat one or two matrons who would receive the offerings of the faithful. After the parishioners had all passed out, these matrons would deliver the whole amount collected to the Father.

"Many times they collected some hundreds of dollars for the repose of the souls in purgatory. I myself at various times gave money for that object; but up to date it is a mystery to me how they could have delivered it; for not even now, when the Americans

despatch express trains and steamers to all parts, have I information that Wells-Fargo take it upon themselves to deliver packages or money to the invisible regions of purgatory. I fear that soon or late I shall have to die without having discovered the road which the friar missionaries took when they went to purgatory to bring to the souls departed the money offerings of the pious Californians." ("Temo que tarde ó temprano tendré que morirme sin haber descubierto el camino que tomaban los frailes misioneros cuando iban al purgatorio á llevar á las animas benditas las ofrendas pecuniarias de los Californias piadosos,") (Alvarado, "Historia," Ms., ii, 192-194. Bancroft Collection.)

These quotations suffice to prove Alvarado an apt pupil of the great French scoffer, and how worthless is the testimony of the ex-governor against the missionaries whose unselfishness and whose sacrifices in behalf of the Indians could have been learned only in the school of Christ and His Apostles. Verily, "By their fruits you shall know them." (Bancroft, "California," ii, 693; "Literary Studies," chapter xvii, notably p. 418, may be consulted for the private affairs of Alvarado.)

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## C.

### Vallejo and Support of Religion.

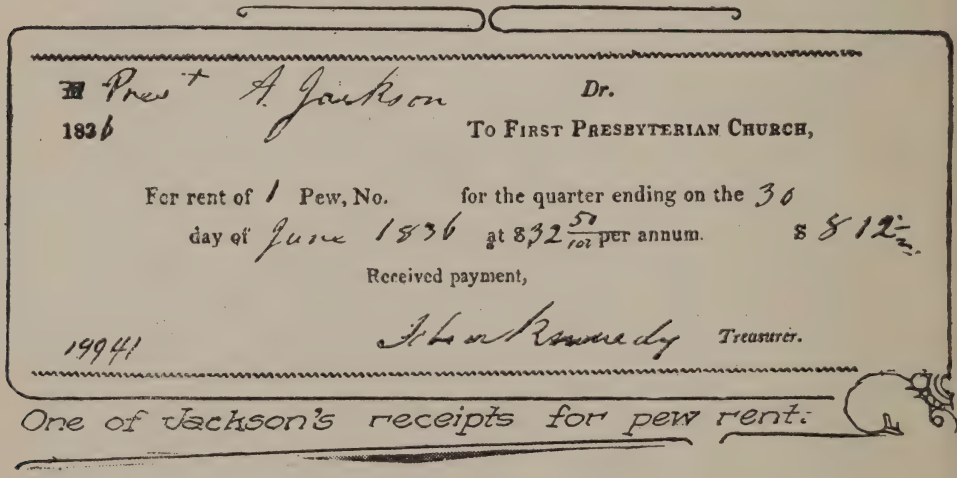
(To page 250.)

We have no intention of boring the reader with showing what is self-evident, namely, the justice and duty of believers to contribute to the support of Religion and its ministers. For Christians and Jews alike that question is, moreover, determined by the Bible. The manner of contributing and the amount to be contributed are regulated by the respective denomination. In that respect religious organizations, as well as commonwealths and secular associations, adopt such measures as are deemed expedient by the officials or by the majority of the members. If the individual member refuses to abide by the laws and regulations, he is invited to withdraw, or to suffer the penalty of exclusion, expulsion, or excommunication, in which case the name of the obstreperous or recalcitrant associate is stricken from the roll of membership.

Mariano Vallejo regarded himself above all this, and would have it otherwise. He insisted on being a member of the "Catholic, Apostolic, Roman Religion," as he put it, but reserved to himself the right to contribute or not to contribute, or to contribute for

purposes that suited himself. In addition he sneered at and criticized the dispositions of the ecclesiastical authorities, especially of the Bishop, who alone was in a position to know the needs of the Diocese. Vallejo went further. He even defied the Bishop and the clergy to excommunicate or exclude him for refusing to contribute to the necessities of the Diocese. His mouthings, proceeding from megalomania, were simply ignored. Unfortunately, Vallejo's bad example and unwarrantable criticisms induced many of the so-called Californians to despise the Bishop and his clergy, who were, in consequence, greatly embarrassed for the bare necessaries of life.

The pompous Don Mariano might have learned a lesson from one who about this period figured in public life on the other side of the continent; who was a brave general, indeed, not merely the


Pres^t A. Jackson Dr.

1836 To First Presbyterian Church,

For rent of 1 Pew, No. for the quarter ending on the 30 day of June 1836 at $32 50/100 per annum. $ 8 12½

Received payment,

19941 A. L. Kennedy Treasurer.

One of Jackson's receipts for pew rent.

wearer of a glittering uniform; and who, notwithstanding the exalted position he held, never thought of putting on the airs of Don Mariano. This was General Andrew Jackson, Seventh President of the United States, who died in 1845, one year before the death of Vallejo's victim, the Rt. Rev. Francisco García Diego, First Bishop of California. There are other Presidents and real generals who in the matter at issue conducted themselves like Jackson. We merely point to "Old Hickory," for the reason that he was a contemporary of whom we happen to possess documentary evidence, nowadays always preferable.

General Andrew Jackson professed himself a member of the Presbyterian denomination. This religious body has a clergy, or-

ganizes parishes, conducts theological schools, builds meeting-houses, etc. Consequently there are various needs for funds which the members are expected to furnish after methods determined by the authorities. General Jackson, when President of the United States, attended the First Presbyterian Church, Washington, D. C. One of the means adopted to secure the necessary funds was the renting of pews. The President submitted to that method and rented a pew. He doubtless contributed whenever called upon, for there is no evidence that he, like Mariano Vallejo, publicly or otherwise refused. At all events, the engraving on page 792, a facsimile of the receipt given to President Jackson for having paid pew-rent, demonstrates that the Seventh President of the United States acknowledged the obligation of supporting the ministers of his denomination.

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## D.

### Nuestra Señora de la Luz.

(To page 260.)

On February 18th, 1843, the Holy See granted an "Indultum quotannis, sub ritu duplicis majoris praenuntiata feria quarta ab Ascensione Domini, vel in ea occurrente alio Officio potioris ritus, vel majoris dignitatis, prima in sequenti die libera, in honorem Beatae Mariae Virginis, MATRIS LUMINIS, persolvendi Officium cum Missa, ut nonis Augusti in Festo Dedicationis Sanctae Mariae ad Nives, appositis in secundo nocturno lectionibus de Sermone Sancti Cyrilli Alexandrini, uti prostrant in Breviario decimo septimo Kalendas Octobris in die Octava Nativitatis ipsius Deiparae."

This new Feast of Our Lady of Light, Nuestra Señora de la Luz, was granted to the Archdiocese of the City of Mexico and its seven Suffragan Sees of Durango, Guadalajara, Michoacán, Puebla (Teaxcála), Querétaro, Sonora, and the Californias. ("Escrituras Sueltas.")

The Bishop of California, September 23rd, 1844, notified the Archbishop of Mexico that he had received a copy of the Papal Brief on the subject, and that he had sent it as a circular throughout the Diocese. ("Libro Borrador," 1844, no. 32.) On August 30th, 1844, the Bishop had despatched a copy to the Fr. Presidente of the Lower California Missions, likewise to Fr. Durán and to Fr. Ánzar, presidentes of the Fernandinos and Zacatecans respectively in Upper California. ("Libro Borrador," no. 24.)

## E.

### Freedom of Religion Under Liberalism in Mexico.

(To pages 281; 419; 598.)

We have seen what the apprentices or primary pupils of the Voltarian school effected in California. The mission ruins are in evidence, and, with the ruins of hundreds of magnificent churches and monasteries in Old Mexico, they point to one and the same destructive cause. Moreover, the hints thrown out by Mariano Vallejo (see p. 679) and the open charges of Alvarado (see p. 683) against the confessional, sound so much like the fierce mouthings of the Carranzistas and Villistas—adepts and past masters of said school—against the confessional, that the close relationship between the motives of the mission despoilers and the maxims of Mexican revolters is unmistakable. Then, too, in both countries the apprentices as well as the masters in the craft have learnt, and apply widely, Voltaire's universal weapon against the ministers of Religion: "Calumniare audacter; semper aliquid haeret."—"Sling mud bravely; something will always stick." In California the missionaries experienced as much; and in Old Mexico, especially since Juárez came into power, every accusation against the Church and her ministers, notably the charge of meddling with politics through the confessional, must be weighed in the light of Voltaire's wicked maxim adopted by the votaries of greed and lust.

What California was fast rushing into, when the hoisting of the United States Flag put an end to the suicidal strife in 1846, may be concluded from the operations of the anarchistic demagogues and their de-Christianized mob, composed of less than two per cent. of the population of Mexico. A few specimen enactments will suffice to expose the real nature of this Voltairianism.

On July 27th, 1914, the Carranzista Governor of Nueva Leon, General Antonio I. Villareal, published the following edict:

"1. All foreign Catholic priests and Jesuits will be expelled from the State of Nuevo Leon." (That would have included Christ and His Apostles.)

"2. Of the remaining Catholic priests those who cannot prove complete abstention from politics will be expelled." (That is to say, those priests who resist libertinism and looting; for that is politics with the Mexican revolters.)

"3. Churches will remain open daily from 6 a. m. until 1 p. m." (Beyond that hour Almighty God is not to be approached, nor must He listen!)

"4. Confession is prohibited." (Quite natural. Confession demands restitution and a pure life.)

"5. The public is prohibited from entering the sacristy." (To our knowledge some State officials, even governors, secretly assisted at holy Mass from within the sacristies, contrary to the "Leyes de la Reforma." That explains this prohibition.)

"6. Church bells shall ring only to celebrate fiestas in honor of the country, or for the triumphs of the Constitutionalist army.

"7. All Catholic colleges shall be closed which do not obey the programmes and texts ordered by officials, and which do not have at their head some professor who is a graduate of the normal schools of the country, who will be responsible to the government for any infraction of the rules." (As those government schools were atheistic, and the professors outspoken atheists, the object is clear.)

"8. An infraction of these laws will be punishable by a fine of $100 to $500 or arrest and imprisonment." (Despatches, July 27th, 1914.)

For this remarkable decree, which aimed at the destruction of the Religion that forbids looting, raping, and murder, Villareal was congratulated by General Francisco Villa in these terms:

"Chihuahua, July 29th, 1914.—General A. I. Villareal: I congratulate you heartily and enthusiastically on your decree imposing restrictions on the clergy in the State over which you worthily rule; and already I am hastening to follow your wise example, because, like yourself, I think that one of the greatest enemies of our progress and liberties has been the corrupt clergy who have so long ruled in our country. I salute you affectionately.—General-in-Chief Francisco Villa." (Despatches of same date; Rev. Francis C. Kelley, "The Book of Red and Yellow," p. 50.)

Those who know the history of Mexico from 1856 to the present date will find Pancho Villa's assertions supremely ridiculous. However, the same Villareal, as president of the Aguascalientes Convention, late in 1914, unwittingly revealed the true aims of the leaders in his opening speech. A few extracts suffice. "Our Constitution," said he, "prohibits confiscation; therefore we want to live a little while without our Constitution. . . . From the clergy we must tear the property which they acquired under the conciliatory policy of General Díaz. They have a right to use the temples consecrated to religion, but no right to own, as they do, convents and beautiful buildings, all of which the priests call 'educational property,' but are nothing else than foundations of perversion for children's minds. The Revolution should not attempt anything against liberty of conscience or liberty of wor-

ship. During the period of activity it was just, and it has been done. It was in order to punish the clergy that associated with Huerta and the Catholics that furnished him money; but past that period, we should, like good Liberals, respect all worship, but never allow our children to be poisoned. It is better to prohibit the teachings of the clergy than religion. Let them continue to preach, but prohibit their teaching rights." ("The Book of Red and Yellow," p. 51.) The Rev. F. Kelley here pertinently asks: "How would the Protestants of the United States like to be in this condition? Supposing the shoe were on the other foot, would it pinch?" The same questions might be appropriately asked of the Bancrofts, Hittells, etc., when they repeat the calumnies of the mission enemies in California.

Another decree of the "reformers," who very much need reforming themselves, goes into details and runs thus:

"The Decree of Toluca.—Definite Triumph of the Liberal Party.—Conditions under Which the Roman Catholic Religion May Be Practised.—Fanaticism Will Disappear.—The Shade of the Constitutionalists of 1856 Covers the Republic with Glory." (Follows a long preamble.)

"By all that has been set forth, it can be tolerated that in the town of Toluca (and that only in view of reasons of a secondary nature), Catholic worship shall be observed under these conditions:

"First. That no sermons or instructions shall be delivered as heretofore be which fanaticism" (i. e. the Gospel and the V, VI, VII Commandments of God) "is encouraged amongst the public.

"Second. That fasts or practises tending to punish the body, or the intellectuality of the faithful shall not be practised."

"Third. That the payment of stipends for baptisms, marriages, be absolutely prohibited." (As priests had no other income than stipends, how were they to maintain themselves?)

"Fourth. It is absolutely prohibited to solicit alms personally, as has been done so far, or by appeal to the public fixed on the doors of the churches.

"Fifth. That no Masses styled Requiem, or in other words for the repose of the souls of the departed, shall be celebrated." (Liberty, indeed!)

"Sixth. That only two Masses be said every Sunday at hours announced beforehand; there will be no ringing of bells to gather the people.

"Seventh. The practise of confession stands forbidden most absolutely, in the understanding that this applies equally within or without the churches, and that in case of an infringement of this order the disobedient minister shall be condemned to exile from

the State or from the country and even to capital punishment. For the better observance of this condition, the churches shall only be opened once a week—at the hour of the Masses." (Verily, Satan's dominion must have suffered immense loss from the practise of Sacramental Confession in modern times, since his dupes, all libertines in particular, rave against it so fiercely.)

"Eighth. That only one priest shall be allowed to reside in this capital, and he shall live in a private house or where he pleases except in the church.

"Ninth. That on walking in the street he be dressed as a civilian, without wearing any garment that will indicate his priestly character.

"Tenth. The minister mentioned shall be the oldest of those who resided in the town, and the church where the Masses are to be said shall be selected by him previously and notice given to the executive, in order that watch shall be kept as to whether he complies with the established regulations.

"Eleventh. It is strictly forbidden to kiss the priest's hand according to the custom hitherto in vogue.

"Twelfth. He is absolutely forbidden to celebrate any sort of religious ceremony except the Masses permitted above.

"In case of conformity on the part of the representative of the Church in Mexico in the foregoing regulations he will have to affix his signature to them in proof and acceptance thereof." ("Mexican Liberalism" in "The Catholic Mind," vol. xii, no. 23, December 8th, 1914.)

The Carranzistas and Villistas did not content themselves with issuing tyrannical decrees. The following sworn statement, one among many, demonstrates what the disciples of Voltarian freethought mean by liberty of conscience in practice.

"Washington, D. C., October 8, 1914.

"To His Excellency, The Hon. W. J. Bryan, Secretary of State:

"Sir.—On July 22 last I had the honor of addressing Your Excellency on the subject of the persecution of the Catholics in Mexico as practised by the revolutionary parties now in power in that country.

"The Third Assistant Secretary of State, under date of July 24, acknowledged receipt of my letter.

"Since then I have made the acquaintance of the Rev. R. H. Tierney, Editor of the Catholic paper "America," published in New York City, who writes me that he visited you concerning this subject, and that Your Excellency wished to hear me on the same matter. I have thought it well, therefore, to note down for your convenience the principal points, and I wish to say that I have

written down nothing that I am not fully aware of and can personally vouch for. I have lived in Mexico twenty-three years, am a German by birth, by religion a Lutheran, and am sixty years of age.

"1. I know of Catholic clergymen who, under pain of death, were made to sweep the streets of a city and do menial work for common, illiterate soldiers.

"2. Of a Bishop, seventy years old, deported to the penal colony on the Pacific Coast.

"3. Of a parish priest, eighty years old, so tortured that he lost his mind.

"4. Of several priests in the Monterey penitentiary as late as August 30 last.

"5. Of many deported to Texas, both Mexican and foreigners.

"6. Of priests and teachers tortured by hanging and strangling.

"7. Of a priest in hiding who was enticed out to hear a confession and instead was thrown into a dungeon.

"8. Of forty Sisters of Charity who have been violated, of which number four are known to me, and one of these four has become demented.

"9. I have been instrumental in saving six Sisters and seven girl pupils from the same fate.

"10. Of an Englishman, who tried to save the personal effects of these thirteen women, being fined $2,000 for the attempt.

"11. Of all the confessionals of the Monterey churches being piled in the public square and burned.

"12. Of valuable paintings stolen from churches, and supposedly brought to the United States by filibusters.

"13. Of Constitutionalist soldiers, led by a man who is now Governor of a State in Mexico, doing on the altar what decency does not permit me to say.

"14. Of doing the same thing at another church and . . ." (unprintable.) (It would seem that pandemonium has broken loose in Mexico. The Catholic Church, really, gains glory and admiration with decent people for being oppressed at the hands of such incarnate demons. Old Voltaire scarcely raved with more fury against the Church and her priests than his brutalized disciples in Mexico.)

"15. Of decrees published by the present Governors of States prohibiting the practise of religion, and closing the churches, convents and schools.

"I am respectfully your humble servant,
(Signed) "MARTIN STECKER."

"117 B Street, S. E.—District of Columbia:

"Martin Stecker, being first duly sworn, deposes and says that the foregoing is a true copy of a letter sent by him to the Hon.

W. J. Bryan, and that the same is in all substantial particulars a true statement of facts.—Martin Stecker.

"Subscribed and sworn to before me this 28th day of October, 1914. CHARLES M. BIRKHEAD,
"Notary Public, D. C."

("America," October 17, 1914; "Mexican Liberalism" in "The Catholic Mind," December 8, 1914; "Book of Red and Yellow," 41-43.)

In pagan Rome the whole city regarded as a calamity the violation of only one Vestal Virgin. An offense against them was punished with death. Not so are the Nuns, who vowed themselves to the service of Almighty God in perpetual virginity, regarded within the reach of the Carranzistas and Villistas in Mexico. "It appears as if hell had unchained itself and devils had taken possession of men," as one of the escaped nuns put it. We have not the heart to dwell on the harrowing tales. Let the reader consult the sources named.

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## F.

### Bull of Pope Leo X.

(To page 304.)

Dilectis Filiis Joanni Clapioni et Francisco de Angelis, Ordinis Minorum de Observantia Professoribus, et Eorum Cuilibet, Leo Papa Decimus.

Dilecti Filii, Salutem et Apostolicam Benedictionem.

Alias, felicis recordationis Nicolaus Quartus, et Joannes Vigessimus Secundus, et Urbanus Quintus, et Eugenius Quartus, et alii Romani Pontifices Praedecessores Nostri, debita meditatione considerantes quod vestri Ordinis munda Religio, a Christo Domino exemplis ac verbis apostolicis suis tradita, ac beato Francisco et eum sequentibus inspirata fuerit, ac quod nonnullos ejusdem Ordinis professores pro Fidei propagatione ad infidelium partes (cum jam Apostoli in orbe non existant) destinare opus esset (prout etiam ipse beatus Franciscus suo tempore actualiter fecit), ut in vinea Domini fructuosos palmites producerent, nonnullis vestri Ordinis tunc expressis fratribus, ut in terris infidelium tunc designatis existentibus, quod Dei Verbum proponere, et constitutos ibidem (si eorum aliqui excommunicationis censura ligati essent) absolvere, quoscunque ad unitatem Christianae Fidei converti cupientes recipere, baptizare, et Ecclesiae filiis aggregare; et hi ex

dictis fratribus, qui in sacerdotio constituti essent, Poenitentiae, Eucharistiae et Extremae Unctionis, aliaque ecclesiastica sacramenta personis praemissis ministrare et exercere, necnon in casu necessitatis, Episcopis in Provincia non existentibus, Confirmationis sacramentum, et ordinationes usque ad minores Ordines fidelibus ministrare, capellas et altaria, necnon calices et paramenta ecclesiastica benedicere, ac ecclesias reconciliandas, vel coemeteria reconciliare, et eisdem de idoneis ministris providere, eisque indulgentias, quas Episcopi in suis dioecesibus concedere solent, impartiri, et alia quaecumque facere, quae ad augmentum Divini Nominis, ad conversionem ipsorum infidelium populorum, et amplificationem Fidei Orthodoxae et reprobationem et irritationem illorum, quae sacris traditionibus contradicunt (sicuti pro loco et tempore viderint expedire) valeant et possint. Necnon uti Oleo Sancto et Chrismate antiquis usque ad tres annos, cum in eisdem partibus novum oleum et balsamum sine difficultate magna haberi non possint, libere et licite valerent. Necnon aggregatos eosdem, ubi Episcopi non habentur, clericali insignire charactere, et ipsos ad minores Ordines promovere liceret: etiam Sedis Apostolicae sententia excommunicationis irretitis absolutionis beneficium juxta formam Ecclesiae impartiri, et qui de gentibus schismaticis, vel alias noviter essent conversi dandi licentiam, ut uxores suas cum quibus in gradibus a lege divina non prohibitis contraxerunt retinere valerent: et de causis matrimonialibus, quas in partibus illis ad Audientiam Nostram deferri deberent, legitime cognoscendi, et discordantes inter se concordare: ac etiam eisdem fratribus licitum esset, omnium fidelium in terris praedictis confessiones audire, et ipsis injungere poenitentias salutares, et vota commutare, et excommunicatos a Canone vel alio modo, juxta Ecclesiae formam absolvere, dummodo injuriam ac damna passis juxta possibilitatem satisfecerint: insuper in locis in quibus fratres praedicti residentiam facere, vel eos hospitari contingeret, Missam et divina officia cum solita solemnitate celebrare: et si in eisdem locis vitae necessaria jejuniorum tempore deessent et commode jejunare non possent, ad praedicta jejunia eosdem fratres minime teneri declararunt, cum eisque misericorditer dispensarunt: et ut de suis laboribus fructum reportarent, fratribus praedictis vere poenitentibus et confessis illam indulgentiam concesserunt, quam proficiscentibus in Terrae Sanctae subsidium Sedes Apostolica concedere consuevit: ac etiam omnibus utriusque sexus fidelibus vere poenitentibus et confessis, qui ecclesias et loca fratrum dicti vestri Ordinis in partibus praemissis constructa et in posterum construenda singulis diebus quibus visitarent causa devotionis seu eleemosynae faciendae, ipsis de injunctis eis poenitentiis, centum dies misericorditer relaxarunt. Quique eisdem fratribus Auctoritate Apostolica concesserunt, ut in civitatibus, castris, villis seu locis quibuscunque ad

habitandum domos et loca quaecumque recipere, seu hactenus recepta mutare, aut ea venditionis, permutationis aut cuiusvis donationis titulo, in alios transferre valerent. Ac insuper ut omnes et singuli vestri Ordinis professores, qui eodem succensi zelo ad ea loca cum fratribus praedictis transire voluissent, omnibus et singulis praemissis gratiis et indultis gaudere libere possent, prout eisdem fratribus et eorum cuilibet conjunctim vel divisim pro fratrum praedictorum vita tunc pro tempore indultum esset vel concessum. Necnon fugientes a saecule in Ordine praedicto recipere, ac omnia et singula facere quo ad ea quae dicti Ordinis concernerent professionem et religionem, quae Ministri Generales et Provinciales ex officio et Indultis Apostolicis facere possunt, prout in eorumdem praedecessorum desuper confectis litteris latius enarratur. Cum autem, sicut accepimus, vos, quorum zelus Deo est animas lucrifacere, et per vestrae operationis industriam et solicitudinem, divina opitulante gratia, adulterinas plantationes divellere, ac in messe Domini virtutes serere, ac vitia radicitus extirpare, et humanum genus ad cognitionis et salvationis semitas reducere, ad Indianas Insulas aliasque provincias charissimi in Christo Filii Nostri Caroli Hispaniarum et Romanorum Regis Catholici in Imperatorem electi ditioni subjectas, et illis propinquas terras, ubi homines veritatis Fidei cognitione carent, conferre desideretis, et in illis Verbum Fidei seminando huiusmodi sanctis actionibus vos exercere de superiorum vestrorum licentia intendatis. Nos tam sancto et hominibus huiusmodi pro eorum animarum salute necessario opere, desiderio favorabiliter annuere volentes, motu proprio, et ex certa scientia, ac potestatis plenitudine, vobis et vestrum cuilibet, ut facultatibus, concessionibus et gratiis ac indultis supra dictis juxta superius narratorum continentiam vobis et cuilibet vestrum, et ad vitam vestram a vobis quatuor deputandis uti, potiri et gaudere, prout superius explicatur, libere et licite valeatis, concedimus et indulgemus. Volumus autem quod ea, quae ad Episcopalem ordinem ac dignitatem duntaxat pertinent, vigore praesentium nullus vestrum exercere possit, nisi in provinciis ubi Catholicus Antistes non fuerit. In aliis enim locis pontificalia solum per Episcopis exerceri valebunt. Quo circa universis et singulis Patriarchis, Archiepiscopis, Episcopis, caeterisque in dignitate constitutis, necnon omnibus et singulis, tam clericis quam laicis ordinum quorumque professoribus sub poena excommunicationis latae sententiae et maledictionis eternae (a qua non nisi per Nos, seu de Nostro seu dicti Ministri vestri consensu possint absolvi) firmiter inhibemus, ne vos aut vestrum aliquem ad vitam vestram seu deputandos fratres praedictos a vobis vel a Ministro Ordinis praedicti in praemissis seu praemissorum aliquo directe vel indirecte per se vel alium quovis quaesito colore impedire praesumant. Quad si quicquam a quovis aliter attentatum

fuerit, etiam praetextu quarumcumque Litterarum Apostolicarum a Sede Apostolica concessarum, seu in futurum concedendarum (nisi in eisdem Litteris Praesentes de verbo ad verbum insertae fuerint, et specialiter a Nobis revocatae), irritum sit penitus et inane: declarantes ex nunc prout ex tunc, non esse Intentionis Nostrae, nec in futurum fore in praemissis (dum illis sancte pro tempore intenderitis) vobis impedimentum seu detrimentum afferre. Non obstante prohibitione felicis recordationis Bonifacii Papae Octavi Praedecessoris Nostri, qua cavetur ne aliquis vel aliqui de Praedicatoribus et Minoribus et aliis Religiosis Mendicantibus (quibuscunque super hoc privilegiis muniti existant), praedicta praesumant absque Sedis Apostolicae licentia speciali plenam et expressam faciente de huiusmodi prohibitione mentionem: necnon Constitutionibus et Ordinationibus ac Decretis tam a Sede Apostolica quam Conciliis Generalibus emanatis, consuetudinibus, ac statutis, privilegiis et indultis tam generalibus quam specialibus, etiamsi in eis caveretur quod ipsis derogari non possit, nisi specialis et expressa mentio de illis haberetur. Datum Romae, apud sanctum Petrum sub annulo piscatoris, die XXV Aprilis, MDXXI, Pontificatus Nostri Anno Nono."

(Mendieta, "Historia Eclesiastica Indiana," lib. iii, cap. v, pp. 188-190; Harold, "Epitome Annalium Ordinis Minorum," tom. ii, col. 951, ad Annum 1521; Gonzaga, "De Origine Seraphicae Religionis," pars quarta, pp. 1223-1224.)

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## G.

### Decrees of the First Ecclesiastical Synod of California.

(To pp. 692-693; 713.)

**"Resolutiones Datae a S. S. Congregationis S. Officii super sequentibus Dubiis Propositis a R. P. D. Episcopo Josepho Alemany.**

"Actus Collationis Ecclesiasticae die decima nona, vigesima, vigesima prima, vigesima secunda et tertia Mensis Martii habita in Urbe S. Francisci, A. D. millesimo, octingentesimo, quinquagesimo secundo, Praesidente Rmo. Illmo. D. D. Josepho Alemany, Episcopo Montisregis, Vice-Praesidente Admodum Rvdo. Patre González, Vicario Generali. Sequentes Resolutiones adoptatae fuerunt:

## PRIMAE QUAESTIONES.

### De Decimis.

"1a. Propositio.—Expedit in hac Dioecesi eximere fideles ab obligatione solvendi decimas materiales, seu fructum, et substituere conditiones ad congruam sustentationem parochorum, et conservationem Cultus.

"2a. Propositio.—Expedit obligare fideles ad dandam, loco decimarum, quintam partem contributionis a Gubernio Civili assignatae.

"3a. Propositio.—Expedit, unumquemque Pastorem rationem reddere Episcopo, ita ut Episcopus disponat de summa ad suum arbitrium pro uniuscujusque Pastoris sustentationem, et aliis Cultus necessitatibus.

"Propositio Unica.—Expedit exhortare fideles ad solvendas decimas, quas hucusque debuerunt, taliter tamen, ut ab Episcopo condonetur obligatio, et possint admitti ad Sacramenta, si poeniteant, aut videantur bona fide. Si quid solverint debitores isti, una quarta pars dabitur Episcopo; ex aliis tribus dimidium erit pro Pastore, alterum dimidium pro Ecclesia.

### De Matrimoniis Clandestinis.

"1a. Propositio.—Concilium Tridentinum habetur ut receptum in hac Dioecesi.

"2a. Propositio.—Matrimonia Clandestina inter Catholicos et Acatholicos non sunt valida. Item dicendum est de Matrimoniis Clandestinis inter Catholicos.

"3a. Propositio.—Expedit a Summo Pontifice petere, ut extendat ad hanc Dioecesim privilegium concessum Belgiae et Canadae, scilicet, ut Matrimonia Clandestina inter Catholicos et Acatholicos in hac Dioecesi sint valida.

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"Feria iv, die 6 Augusti 1854. In Congregatione Generali S. Romanae et Universalis Inquisitionis habita in Conventu S. Mariae supra Minervam coram Emis. et Rmis. D. D. S. R. E. Cardinalibus contra haereticam pravitatem Generalibus Inquisitoribus propositis suprascriptis dubiis praehabito voto D. D. Consultorum, Fidem Emi. D. D. Descripserunt:

### "Quoad Decimas:

"Ad exposita dubia supplicandum SSmo. pro gratia subrogandi decimis alios reditus ab Episcopo pro prudentia taxandos, retento tamen titulo decimarum, attentis locorum circumstantiis, caute

tamen, et ex subrogatione reditum loco decimarum provideatur congruae Pastorum sustentationi et Cultus conservationi.

"Implorata insuper facultate componendi juxta vires decimas non solutas pro vere poenitentibus, ut ad Sacramenta admitti possint.

"Quoad erogationem compositionem Episcopus provideat aequa distributione servata. Insuper provideat pro sui prudentia, et arbitrio, ut rationem reddant Pastores de redditibus.

**"Quoad Matrimonia Mixta.**

"Iidem Emi. rescripserunt supplicandum SSmo. pro extensione Instructionis Benedictinae in forma, et terminis concessionis pro Hollandia.

"Consulat tamen Ipse R. P. D. Episcopus Bened. XIV in opere **de Synodo** Dioecesana, lib. vi, cap. vi, paragr. 13.

"Eadam Die ac Feria SSmus. D. N. Pius, Divina Providentia PP. IX, in solita Audientia R. P. D. Assessori S. Officii impertita, audita relatione, benigne annuit pro gratia, ut supra, et resolutionem ab Eminentissimis captam approbavit.

(Loco Sigili.) "Angelus Argenti S. Romanae et Unlis. Inq. Notarius.

Conformat cum originali,
S. Francisci, Nov. 18, 1854.

(Loco Sigili.) Fr. Jos. S. Alemany, Ep. El. S. Fr. Cal."

"Santa Barbara Archives"; "The Catholic Historical Review," Vol. I, April, 1905.)

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## H.

### Mission Tales in Word and Picture.

Much space in our work on the California Missions is necessarily taken up with correcting the misstatements and refuting the misrepresentations of the mission enemies and their later defenders, notably Bancroft and Hittell. As a class, with men of thought and research, the missionaries need no defense, nor their missionary system an apology. Nor was defense of their activity our object. We determined to bring out the truth by the aid of trustworthy eye-witnesses and authentic documents. We would have been content with a mere description of missionary efforts, hardships, failures and successes; but that was rendered impossible by the numerous and grave charges made against the missionaries. Those accusations could not be ignored. Silence or suppression

would have argued vulnerability. So, at the risk of appearing as a defender rather than as an impartial judge, we closely followed up the charges, their authors and their publishers, with the result, as the unbiased reader must have observed, that apologies are proved to be due indeed, but only from the mission enemies, and it is for inexcusable ignorance or for insensate malevolence.

We should not emphasize this here, were it not that the calumnies are constantly repeated. A case in point is the claim found in a work on Fr. Serra published in 1914. "He (Fr. Junípero), in common with the majority of the early Franciscans and Jesuit missionaries in the Californias," the author avers, "entertained no doubt of the efficacy of conversion, however sudden the change or politic the reason on the part of the infidel. The acceptance of baptism, the regular attendance at church, veneration of sacred images and emblems of the Catholic faith, were sufficient in their minds to secure to an Indian full membership in the Church. What the convert's mental attitude was in regard to the Catholic doctrines and symbols, was of small consequence provided he could say his paternoster, repeat the names of the saints, and cross himself on proper occasions; and it remained a minor matter whether his childish intellect comprehended even partially the religious instructions he received." (Fitch, "Junípero Serra," p. 298.) Such a statement is made in spite of better knowledge; for the author is well aware of what Fr. Palóu reported on the subject. He could also have known the facts from the statements made in volume i, p. 99, and in chapter xv, section i, volume ii, this series. "Convince a man against his will, etc."

A critic in the "Bulletin of the American Geographical Society" (New York, vol. 45, no. 6, p. 454), finds fault with us for noticing Bancroft's assertions at all. "It was well known in San Francisco," he writes, "that he (Bancroft) was the head of a history factory. In no sense is he taken as an authority on California history, and it is always necessary to confirm his citations on every point in which difference of interpretation of events might arise." Yet, notwithstanding that Bancroft is so discredited with scholars, his work has been accepted as the chief source by the authors of half a dozen books on California within the last five years!

Not only do we find the oft-refuted stale calumnies of the past constantly reproduced, even in schoolbooks for children (see "The Spanish in the Southwest," by Rosa V. Winterburn, American Book Company), but new stories are invented and circulated about the missionaries for the delectation of the gullible. A few flagrant specimens will suffice. They will also enlighten the reader on how tales about monks and nuns originate, ninety-nine per cent. of which have no better foundation in fact than those we shall now quote.

Just ten years ago our attention was called to the New Year's issue, 1905, of the "California Demokrat," a German Daily of San Francisco, which contained a long story by one "Rufus," whose real name we have not been able to ascertain. He was a regular contributor, however. The burden of the story, briefly, was that a young man in Mexico, Felipe, fell in love with his cousin; that because cruel Mother Church would not sanction such a marriage, the broken-hearted couple resolved to enter religious life, he becoming a Franciscan and she entering some convent. Felipe, now Fr. Gregorio, came to California as missionary for Mission Santa Cruz. The nun after years "escaped," and in the garb of a Franciscan named Fr. Salvatiero, reached Mission Santa Cruz, where Gregorio, not recognizing the face of Salvatiero disfigured by small-pox, employed the young stranger as his secretary, etc. Finally Gregorio died, and Salvatiero, resuming female apparel, was admitted into the convent of the Sisters at Santa Clara! Such is the veracious story of "Rufus."

To begin with, there never was a Fr. Gregorio at Mission Santa Cruz. From 1821 down only one Father lived there. The last Franciscan, Fr. Antonio Reál, left the mission in November, 1844. No missionary there ever had or needed a secretary. No Sisters' convent existed at Santa Clara until more than twenty years after 1844. Furthermore, into Catholic Sisterhoods no applicants are admitted whose antecedents are not perfectly known and clean. Hence the story is a fabrication from beginning to end. Desirous, however, of knowing the basis for the author's ugly yarn, we addressed "Rufus" through a third person, and in reply received the following letter: "Palace Hotel, San Francisco, Cal., January 11, 1905.—Dear Sir.—I am sorry that I cannot give you the desired information. The said story has been in my portfolio for at least twenty-five or thirty years, and I scarcely know who at the time made the statement to me upon which it is based. It is more or less fiction, and makes no claim to historical truth in its several parts." (Sie ist mehr oder weniger Fiction, und macht keinen Anspruch auf historische Wahrheit in ihren einzelnen Theilen.") Two weeks later "Rufus" declared that he had not the least intention of offending any one, and could not for the life of him discover anything offensive in the narrative. Indeed, the end of Gregorio was thrilling and beautiful. "Gregorio's Ende ist ergreifend und schoen." What obtuse moral perceptions! Well, Catholics, at all events, have a higher moral standard, and therefore regard such a life and end for a priest as horrible. "Rufus" must be connected with the modern stage to feel otherwise.

About the same time, December 1904, our attention was called to some verses which appeared in the "Sunset Magazine" under the caption "Como al Principio." In substance the authoress ex-

Plate I.

Rev. Juan Maria Salvatierra, S. J., according to Farnham's artist. (See page 814.)

ercised her talent and imagination to this effect: An Indian of Mission San Luis Rey wished to marry one of the girls of the mission. She seems to have been unwilling, wherefore Antonio enlisted the aid of her confessor, Father Francisco. After some time the priest notified Antonio to meet him at a certain place and receive the bride. The young Indian hastened to the spot only to learn that Father Francisco had run away with the girl to parts unknown!

The tale, shocking and offensive to the Catholic mind, was related in such a plausible way that, doubtless, many readers of the widely circulating "Sunset" will conclude that it must be true in

its essential parts at least; that priests must be an unworthy class of men; and that the poor Indians of old deserved pity, indeed, for having been subjected to such vile influence.

Now, we have the record of all the missionaries ever stationed at San Luis Rey. We have visited the place many times for the purpose of research. No such escapade on the part of any friar ever happened there or at any other mission of California. We therefore asked the author for her sources. To our amazement we received this frank avowal: "————, Cal., January 5, 1905.—Dear Fr. Zephyrin.—You ask for the source and authority of the story embodied in 'Como Al Principio.' I cannot tell you that. Possibly, and altogether likely, it had origin in some incident connected with the early mission people. It might have happened, it may have happened, and then aagin it might not have happened at all. . . . You know, the world dearly loves romance."

Out of pity, the writer of the verses being a woman, we suppress the name. Such ethical principles have a double edge. So, because the world (surely not the clean-minded portion) dearly loves to read about illicit, therefore criminal, love and sinful escapades, dubbed "romance," such world must be supplied. If so, why not descend for subjects to that portion of the world? Why not go to the police or to the divorce courts for inspiration and for suitable characters? Why single out persons who are vowed to the service of the Almighty? vowed to an absolutely clean and pure life? They may fall from grace, true; though it is rare. In that case, let the prurient be honest enough, at least, to name the real culprit with exact date and place; and let it not be made to appear as a matter of common occurrence. However, can muckraking be a more noble and agreeable occupation than gathering flowers? Where an immense, well-kept garden offers abundant opportunities for winding bouquets and wreaths with an endless variety of lovely flowers, can it be called intelligent, refined, sensible, nay decent, on the part of women at that (mirabile dictu!), magnifying glass in hand, to prefer searching for a corner that may contain refuse? It would seem so from the practice of a large number of male and female "romancers."

Another story brought to our attention in January 1905 lays the scene at California's oldest mission, San Diego, and the vehicle for an outrageous calumny is the Sunday Supplement of the "San Francisco Call." The story-teller, again a woman, there "heard" how a love-sick maiden confessed to a Padre Porfirio her plan to run away with a Mexican lover; how Fr. Porfirio "with wicked intent depicted upon his face hid a knife in his cassock"; how he rode to the mission dam at night and came upon the guilty couple; how Fr. Porfirio, "his brass crucifix lifted on high, emerged from the willows, his face wicked in the moonlight; how he first ex-

Plate II.
Absurd picture of Fr. Garcés. (See page 814.)

horted, and then, hate and desire overcoming him, pulled a knife from his cassock; how he sprang upon Murietta, who thrust the girl behind him; how the two men wrestled on the brink of the swollen stream; how Murietta shook himself free, and pushed his rival over the dam into the stream; how the friar's body was found next day, tangled in the willows, his face "tied into an evil knot"; and how the couple escaped and were never again heard of.

With such stuff a supposedly reputable daily paper regaled its readers on a Sunday morning. Any one with but little knowledge of the circumstances will see at once that the story is a wicked fabrication. There never was a Fr. Porfírio in the whole history of California from Cape San Lucas to Oregon. The Fathers at Mission San Diego wore no cassock. No friar, padre, or priest was killed at or near the mission dam in 1830, nor in any other year. Good Fr. Luis Jayme was murdered at the mission by pagan Indians out of hatred for Christianity, but that tragedy occurred fifty-five years before 1830 when no mission dam yet existed. All other Fathers there died a natural death. Consequently the "Call"

woman's vile story with its evil insinuation regarding the confessional is of the class of fiction that savors of the slums. Among the Cholos along our whole southern border, and among the criminal classes of the Mexican people reveling in moral filth, who constitute the hordes of Carranza, Villa, and other revolutionists, similar stories may be had in abundance; but the decent classes living and conversing in accordance with Christian morals possess too much self-respect to impute or circulate tales of illicit relations about priests and religious vowed to a life of purity.

Just why woman writers should excel in hunting for the rubbish that defiles rather than in contemplating the good and beautiful that elevates, passes our understanding. It would seem that the recital in novels and on the stage of matrimonial infidelities has become stale. Priests and religious, who by their own coreligionists and decent people in general are regarded with reverence, must be victimized in order to gratify the longing of the prurient for "romance." The numerous Catholic novelists, Catholic women and maidens in general, to their glory be it said, taboo the whole subject of illicit relations which unscrupulous writers are pleased to term "romance" or "romantic," but which are criminal. That is one reason why Catholic womanhood never figures in divorce proceedings. The bare thought of such un-Christian "romance" contaminates. Christian romance, on the other hand, is always clean, because it moves within the limits of Divine Law.

Nor do we believe that the majority of non-Catholic women and maidens relish such topics, notwithstanding that at the Convention of the Federation of the Women's Clubs of California, held at Santa Barbara April, 1910, a woman writer, in the shadow of the Mission so to speak, boldly regaled the hundreds of delegates with a "romantic" story about one of the two founders of the Mission. According to her, Fr. Cristóbal, having gone with guards to the Santa Inés Mountains to confer with a pagan Indian chief, allowed himself to be captivated by the charms of the chief's beautiful daughter. Instead of speedily returning to the Mission, he stayed with the guards satisfied contemplating the graces of the girl. After days, Fr. Paterna, his Superior, went in search of him and rescued the enchanted companion. The latter, however, could not forget; he grew listless and unfit for missionary work, so that Fr. Paterna had to have him returned to Mexico. (See "Independent," Santa Barbara, April 11, 1910.)

Such is the substance of the long yarn, embellished after the fashion of poets. Whether the delegates were much impressed, we do not know. Some were disgusted with the poor taste manifested by the speaker on such an occasion; and one at least, in our presence, thought that "a good deal of fiction is circulated about the missions." Of course, there is not a shred of truth in the

Plate III.

"These uncouth figures appear to be occupied with some kind of incantations." (See page 815.)

story, barring the name of the speaker's victim. Fr. Cristóbal Orámas with Fr. Antonio Paterna began mission work at Santa Barbara in 1787. He remained there until late in 1789, when he was sent, not to Mexico, but to the new Mission of Purisima, in the same county. All the talk about the beauty and charms of the chief's daughter is, likewise, nothing but fiction, as ethnologists and historians well know. Furthermore, the guards had to accompany the priests on their journeys, but they had to return to their quarters at the Mission along with the missionary on the same day. Such were the regulations laid down for the military, not to mention the rules of the friars. So, staying away for many days from the Mission was out of the question. The inventor of this silly story about a missionary, who lived one hundred and twenty years previously, might have constructed a passable tale if he or she had studied the situation in the savage rancherias of California, had read the mission and military regulations, and had utilized some person of his or her own class; for of the life and aspirations of a Catholic religious this yarn, like the preceding ones, manifests the most stupendous ignorance.

Such are the mission tales that have come under our observation. Doubtless there are others, and there will be others, that exhibit, not actual conditions, nor the friars as they were at the Missions, but the degree of silliness or malevolence of the respective writers. It will always be a safe process; for the friars are dead, and cannot rise to refute the wicked stories. However, the readers, from the preceding specimens, will know how to judge such tales and their object.

Not only magazine writers and novelists find the missions an inexhaustible fountain for "romance." The moving picture manufacturers have likewise recognized the boundless opportunities offered by the ancient missionary establishments. Much good might be effected by the vivid presentation of life at the missions as true history describes it. That would be highly interesting, instructive and entertaining; but, from what is observed, like the generality of stage-masters, novelists, and magazine writers, the moving picture people are not in the business for such noble purposes. As no friar, no priest, much less a nun, would pose, they dress up individuals who know as little about the religious life and priestly dignity as the creatures in the yarns invented by the class of novelists quoted before. The results are situations and scenes not above the material and carnal. Altogether unlike anything in religious life, they merely depict the state of mind and heart of their authors. (See for the aims of the real Catholic religious Appendix C, vol. ii.)

We have yet to consider the share which artists contributed to the tales circulated about the missions. Artists, who endeavor to

Plate IV.

"Seems to picture the fumigation of the sick in a hospital tent." (See page 815.)

depict scenes and persons in accordance with historical truth, could materially assist the reader to comprehend a given situation. Unfortunately, as in the case of novelists, magazine writers, and mercenary would-be historians, those, who furnish illustrations, frequently only succeed in revealing their ignorance, hostility, or depravity. We shall confine ourselves to reproducing a few comparatively harmless samples of abject ignorance. From them one may guess what must be the result when ignorance is joined to hostility or to depravity, or to both.

The first illustration (see Plate I) purports to represent the good Jesuit Father Salvatierra proceeding alone to meet hostile Indians. It is taken from J. T. Farnham's "Early Days in California," Philadelphia, 1859. Father Salvatierra was one of the founders of the Jesuit Missions in Lower California. (See vol. i, this series.) What conception of a Jesuit can any one have who contemplates this ridiculous figure? Yet Farnham was not hostile to Catholic missionaries. We are really surprised that he could, despite the deluge of paisano calumnies, form such a fair estimate of the friars in Upper California. For instance, he writes (p. 279): "Indeed, these old Franciscan Friars, who entered this wilderness clad in their grey habits, with sandals on their feet and the cross in their hands, were men for whose equals in mental power, in physical courage and moral intrepidity, we shall seek in vain in these days of vapid benevolence." Farnham just fell into the hands of an artist, who, like many unscrupulous writers, may have thought that anything in the case of a Jesuit would serve the purpose well enough. Let the reader turn to volume one, this series. There he will on page 80 find a true portrait of the heroic Father Juan Maria Salvatierra, S. J.

The next engraving (see Plate II) is found in the so-called "Annals of San Francisco," New York, 1855, a work teeming with malice towards the missionaries. The cut bears the inscription "Father Garzes and the Indians." It would be a waste of time and words to show the absurdity of the engraving. Let the reader consult volume two, where he will be informed in what manner and in what garb Fr. Francisco Garcés and other Franciscans traversed the Indian country. Whether artists and publishers are invincibly ignorant or culpably ignorant when they deceive the public, the intelligent reader may decide. Oftentimes authors, artists, and publishers could obtain correct information by simply crossing a street, inquiring at the next house, nay, at the nearest desk. Why is inquiry not made?

The next two sketches are from a number that accompanied the reprint of Fr. Crespi's Diary (see vol. ii, pp. 22-60) as it appeared in the Sunday editions of the "Los Angeles Times," August-September 1898. Illustrations ought to illustrate; but, if any one,

without an explanation, can decipher the meaning which the "artist" wanted to convey, he is specially gifted, indeed. The uncouth figures in the first of the two pictures (see Plate III) appear to be occupied with some kind of incantations; there is nothing like it in the Catholic Ritual; but the inscription below reads, "Baptizing the Sick Indian Children." (See for the incident and correct illustration vol. ii, pp. 28-29.)

Plate IV is altogether unintelligible, unless it be assumed to picture the fumigation and exhortation of the sick and convalescent in a hospital tent. The words at the bottom do not say that. We read, "Mass in the Desert!" in connection with the Portolá Expedition, October 1769, at what is now Watsonville. (See for the episode vol. ii, pp. 46-47, and for holy Mass in the open air, insert, p. 80.) Had the "artist" taken the trouble to enter a Catholic church in the early morning hours, he could have depicted the incident correctly, and he would have avoided making himself ridiculous.

From what has been said, the reader must conclude that many authors, as well as many artists, dread to appear well informed with regard to Catholic subjects; and that, as a consequence, numerous so-called historical works touching the California Missions, for instance, present the facts of history about as truthfully as the four caricatures just reproduced.

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# I.

## Ecclesiastical Superiors and Prelates of California.

Presidentes.

Fr. Junípero Serra .....1769-1784
Fr. Francisco Palóu, ad interim.....1784-1785
Fr. Fermín Francisco de Lasuén.....1785-1803
Fr. Estévan Tápis .....1803-1812

Comisários-Prefectos.

Fr. Vicente Francisco de Sarría.....1812-1818
Fr. Mariano Payéras .....1819-1823
Fr. Vicente Francisco de Sarría.....1824-1830
Fr. Narciso Durán, Presidente and Vice-Comisário.....1830-1836
Fr. Narciso Durán, Comisário-Prefecto.....1836-1846

Prelates.

Rt. Rev. Francisco García Diego y Moreno, O. F. M., Bishop of both Californias.....1841-1846
Very Rev. José M. González Rúbio, O. F. M., Administrator .....1846-1850
Rt. Rev. José Sadoc Alemany, O. P., Bishop of Monterey.1850-1853
Most Rev. J. S. Alemany, O. P., Archbishop of San Francisco .....1853-1884
Rt. Rev. Thaddeus Amat, C. M., Bishop of Monterey and Los Angeles.....1854-1878

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# J.

## Civil and Military Governors of California.

Spanish Rule.

1. Gaspar de Portolá, Military Commander.....1769-1770
2. Pedro Fages, Military Commander.....1770-1774
3. Fernando Rivera y Moncada, Military Commander..1774-1777
4. Felipe de Neve, First Civil Governor.....1777-1782
5. Pedro Fages .....1782-1791
6. José Antonio Roméu.....1791-1792
7. José Joaquín de Arrillaga, ad interim.....1792-1794
8. Diego de Borica.....1794-1800
9. José Joaquín de Arrillaga (ad interim 1800-1804)....1800-1814
10. José Darío Argüello, ad interim.....1814-1815
11. Pablo Vicente de Solá.....1815-1822

Mexican Rule.

1. Luis Antonio Argüello, ad interim.....1822-1825
2. José Maria de Echeandía.....1825-1830
3. Manuel Victoria .....1830-1831
4. Interregnum .....1831-1833
   Pio Pico, January to February, 1832.
   J. M. de Echeandía, south of San Fernando, to 1833.
   Agustin V. Zamorano, north of San Fernando, to 1833.
5. José Figueroa .....1833-1835
6. José Castro, ad interim to January, 1836.....1835-1836
7. Nicolás Gutiérrez, ad interim (January to May).....1836
8. Mariano Chico, May to August.....1836

9. Nicolás Gutiérrez, ad interim to November.....1836
10. Juan B. Alvarado (ad interim 1836-1839).....1836-1842
11. Manuel Micheltorena .....1842-1845
12. Pio Pico .....1845-1846

American Rule.—Military Governors.

1. John D. Sloat.....1846
2. Robert F. Stockton.....1846-1847
3. Stephen W. Kearny.....1847
4. Richard B. Mason.....1847-1849
5. Bennet Riley .....1849

Peter H. Burnett, First Governor of the State of California .....1849-1851

U. I. O. H. D.

(I Pet. iv, 11.)

(Index for volumes ii, iii and iv bound separately.)

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